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ABSTRACT

Presented are eight papers given at a conference in 1973 to increase effective participation of the deaf community in the legislative process. Elmer Smith traces factionalism in governmental history to encourage the deaf in actively asserting their rights and responsibilities. Boyce Williams commends the deaf community for recent advocacy action at the federal level and suggests future focus on areas such as interpreter services, rehabilitation centers, and telecommunications. Joseph Owens Jr. explains the importance of direct contacts with legislators shaping legislation and dispels misconceptions about lobbying. Irvin Schloss discussed how the American Foundation for the Blind functions to favorably influence policymakers and legislators in the executive, judiciary, and legislative branches of the federal government. Speaking for the state level, Norm Silver makes practical suggestions such as joining an organization for the deaf to obtain desired laws. Henry Warner considers the Social Security Amendments of 1972 in terms of social services, the supplemental security income program, medicaid, vocational rehabilitation, and implications for deaf persons. J. Sugarman, describes welfare provisions as they pertain to the federal supplemental security income program, assistance standards, state options, eligibility verification, and political compromise. Noted are suggestions for action such as presenting views at hearings. Included are lists of participants and resource personnel. (MC)

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# Deaf Community Development: Legislative Involvement

DEAFNESS RESEARCH & TRAINING CENTER

New York University School of Education

ED 085977

# D E A F  C O M M U N I T Y  D E V E L O P M E N T:
# L E G I S L A T I V E  I N V O L V E M E N T

Editor

Glenn T. Lloyd, Ed.D.

Deafness Research & Training Center
School of Education
New York University
1973

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## Preface

This monograph is the second in a series devoted to Deaf Community Development---the title given to the Deafness Center's attempts to strengthen organizations within the deaf community so that they can better represent their constituency in the continuing efforts to improve conditions for deaf people. The Deafness Center endorses fully the concept of consumer involvement in rehabilitation. Successful implementation of that policy, however, depends upon consumer enlightenment. In the long run, the deaf community must look within its membership for the direction of activities on its behalf.

The Deaf Community Development series brings deaf representatives together with experts in various specialties. The present document is intended to convey to those who could not attend the conference on legislation some of its benefits. What the printed document lacks in vitality will, it is hoped, be compensated for by the opportunity provided to study at length the learned contributions of the expert participants.

The Honorable Elmer W. Smith, Commissioner of Social and Rehabilitation Service Region II, gives an excellent, scholarly introduction to the role of the deaf community in the legislative process. His extensive background in government gives Mr. Smith's encouragement for consumer participation special weight. Instead of berating factionalism, he offers a detailed rationale in support of it.

Further encouragement comes from Dr. Boyce R. Williams, Director, Office of Deafness and Communicative Disorders, Rehabilitation Services Administration. With words like refreshing and stimulating, he characterizes the deaf community's recent activism at the federal level. He then pinpoints specific areas upon which the deaf community should now focus: interpreting,

rehabilitation centers, and telecommunications. Without denigrating the past achievements, for which he deserves so much credit, Dr. Williams urges the deaf community to work for even greater gains in the immediate future.

The new Executive Director of the Council of State Administrators of Vocational Rehabilitation, Mr. Joseph H. Owens, Jr., explains the importance of direct contacts with legislators in the course of shaping legislation of interest to the deaf community. Far from avoiding the appellation "lobbying", he uses it to dispel misconceptions about its appropriate use in the democratic process.

Deaf groups often look with justified admiration at the accomplishments by advocates for blind people. Mr. Irvin P. Schloss, Coordinator of Governmental Relations, American Foundation for the Blind, generously explains how his organization functions to favorably influence solons. He adds to his account the necessity for follow-up, to assure that the legislative intent is properly implemented.

Mr. Norm Silver, Administrator, Oregon Vocational Rehabilitation Division, offers a view from the State level. He details a number of practical suggestions for direct involvement by the deaf community in gaining the kinds of laws they desire.

Turning to a major act of widesweeping effect on all citizens, Mr. Henry Warner discusses the Social Security Amendments of 1972, often referred to as HR-1. As Assistant Regional Representative for Social and Rehabilitation Service Region IV, Mr. Warner has been in a good position to study this legislation. With great care he unfolds its provisions, drawing specific attention to their implications for deaf persons. He introduces for consideration the potential value of an ombudsman to assist deaf applicants in securing their rights under this complex law.

New York City's Administrator of the Human Resources Administration, Mr. Jule M. Sugarman, deals with another aspect of HR-1, the Supplemental Security Income. After an extensive summarization of this

radical shift in welfare legislation, Mr. Sugarman turns to its social effects. Noting that its impact cannot be evaluated this early, he concludes on an optimistic note: there remains time enough to shape the program to the future needs of the community.

In addition to the prepared papers, individuals with substantial organizational experience made themselves available to conference participants. These included, as well as the authors of the papers already mentioned, Mr. Frank Carroll, New York State Assemblyman; Mr. Michael Chatoff, Attorney at Law, New York City; Mr. John Crandall, Parent, Gaithersburg, Maryland; Mr. John Fargher, National Rehabilitation Association, Washington, D.C.; Ms. Patria Forsythe, Professional Staff Member, Subcommittee on the Handicapped, Committee on Labor and Public Welfare, United States Senate; Ms. Gladys Harrington of the New York City Human Resources Administration; Mr. Thomas J. McInerney, Executive Director, New York State Temporary Commission to Study and Investigate the Problems of the Deaf; Mr. Craig Mills, Director, Florida Division of Vocational Rehabilitation; Mr. Fred Schreiber, Executive Secretary, National Association of the Deaf; Mr. Allan Wolfson of the New York City Human Resources Administration; Mr. Joel Ziev, Chairman, Connecticut Commission to Study and Investigate the Needs of Deaf and Hearing Impaired Persons; and Mr. Glenn Anderson, Mr. Frank Bowe, Ms. Lily Corbett, Mr. Tom Freebairn, Mr. George Johnston, Mr. Keith Muller, Dr. Doris Naiman, Mr. Martin Sternberg, and Dr. Douglas Watson, New York University Deafness Research & Training Center.

These consultants met with the deaf representatives and gave them invaluable points on issues large and small. Mr. Frank Bowe and Dr. Glenn T. Lloyd, of the Deafness Center, have attempted to capture the essence of the wise advice. They have cast the consultants' contributions into "Suggestions for Action"---a form reflecting the open, pragmatic approach of these experts.

Even a cursory reading of these papers will suffice to impress the reader with the extent to which their authors devoted themselves to the conference objective: increasing effective participation of

the deaf community in the legislative process. No printed acknowledgment can express the debt owed to the busy experts who gave their scarce time, as writers and consultants, to this project. For them, the ultimate "thank you" will come from a strengthened deaf community more deeply involved in promoting the welfare of its members.

This document and the conference which spawned it were under the direct supervision of Dr. Glenn T. Lloyd. His intense, patient guidance has been a major factor in making this project a success. The deaf participants deserve great credit for their contribution of penetrating questions and infectious enthusiasm. Finally, we must express appreciation to Social and Rehabilitation Service Region II for providing a sizable portion of the funds for the conference. The Deafness Research and Training Center is supported, in part, by the Social and Rehabilitation Service of the Department of Health, Education and Welfare.

Jerome D. Schein, Ph.D.
Director
Deafness Research &
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November 19, 1973

Table of Contents


| | Page |
|---|---|
| The Deaf and Activism in Public Affairs: Rights and Responsibilities . . . . . | 1 |
| Leadership Responsibility . . . . . | 9 |
| Legislative Processes: The Legislator and the Consumer . . . . . | 15 |
| Legislative Process: Consumer Advocacy . | 25 |
| Legislative Processes: The State Agency. | 37 |
| HR-1 - The Social Security Amendments . . | 41 |
| HR-1: Welfare Provisions . . . . . | 54 |
| Deaf People and Legislation: Suggestions for Action . . . . . | 71 |
| Seminar Personnel . . . . . | 74 |
| Resource Personnel . . . . . | 75 |

# THE DEAF AND ACTIVISM IN PUBLIC AFFAIRS: RIGHTS AND RESPONSIBILITIES

Elmer W. Smith

Commissioner
Social and Rehabilitation Service
Region II

From the dawn of the American political and governmental system until today, the State, local, and Federal governments have worked best if two essential conditions are satisfied. On the one hand, governments require data about the conditions and needs of their citizens. On the other hand, these governments also require facts to test assumptions of the desirability and workability of proposed solutions to our social and economic problems. All levels of government consequently have a prodigious appetite for information for purposes of policy development and for drafting legislation. In the absence of hard data, governmental officials and processes must, and do, rely on informed judgments and opinions.

Although the need to gather facts, sample opinions, and collect judgments is a primary need of governments, our governmental and political systems have always been in a dilemma about how this should be done. Individual citizens have likewise been confused about how to relate to what often seem to be invisible and exotic process of policy information.

Even before our Republic was formed, suspicion and distrust of pressure groups, powerful economic interests, and cabals was widespread (Hamilton, 1961; Madison, 1961).

The ambivalent feelings of Madison toward "factions," his term for what we now call pressure groups or interest

groups are eloquently expressed in the tenth Federalist paper. Factions according to him are "a number of citizens, whether amounting to a majority or a minority of the whole who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interest of the community (Madison, 1961, p. 78). Certainly our history holds many examples of such injurious factions--the Beef Trust and the Railroad and Financial Combines of the last century are examples of interest carried to an extreme.

This same distrust has persisted down to the present day and has colored many citizens' attitudes toward government and politics. To counteract these ingrained feelings against participation in public affairs, many books advocating political activism are still being written. Authors as diverse as academic political scientists, magazine writers, and United States Senators espouse citizen participation in political parties and governmental affairs (Baumer and Herzberg, 1960; Ribicoff and Newman, 1967). Obviously such pleas for action would be irrelevant were it not for the lingering tendency of many individuals and groups to stand aloof from public concerns.

The wise and thoughtful Madison, however, also was able to appreciate the other side of the coin. He was able to discern the basic reasons why factions arise as well as their impact on government. Long before the startling analyses of Professor Charles Beard, Madison clearly stated the relationship between factions and government in the following words:

> But the most common and durable source of factions has been the various and unequal distribution of property...A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views (Madison, 1961, p. 79).

The greatest insight into government and interest groups is summed up in one further sentence from the Federalist Papers.

"The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government"(Madison, 1961, p. 79). In other words, even the Founding Fathers who feared anarchy and detested tumultuous controversy, came to the grudging recognition that the aspirations and aims of interest groups were part and parcel of the ordinary day to day business of government. Thus factions, while they may at times struggle for good or for bad objectives, were, above all else, necessary.

This absolute necessity to protect the actions of individuals and reasonably directed factional interests was given legal status in the historic First Amendment to our Federal Constitution. The guarantees of free speech and press, the right of the people peaceably to assemble, and to petition the Government for a redress of grievances form a solid basis for much of the fact finding and opinion sifting of public agencies and legislatures. This same Amendment underpins the legitimate actions of interest groups.

If this is the Constitutional and practical base for interest groups and we can find such ancient and honored justification for them, what are the contemporary applications of these ideas? Specifically, are the deaf a faction in Madison's terms? Without a doubt in my mind the hard of hearing and the deaf represent factions in our Nation today. They are factions because they have either jointly or singly common aims, needs, and impulses and, therefore, a potential to influence public policy to respond to those aims and needs.

At the same time deaf persons are sub-members of a myriad of other factions, all quite important in and of themselves. They are sometimes aged, sometimes poor, sometimes children with special educational needs, sometimes middle-class with concerns about taxation, and sometimes property owners. All of these groupings and others too numerous to mention have public policy and legislative goals which may address the needs of all persons whether deaf or hearing.

As citizens we all should become familiar with these issues and decide how, if at all, we wish to influence their outcomes.

Should the deaf persons as the deaf organize more fully for pressure group purposes? That is a question which I have neither the right nor the knowledge to answer for you. What I will attempt to do is to suggest some responsibilities and rights of factions and, secondly, to note some complexities of a process of political activism. The decision of whether to become active in public affairs and how best to do so is one for each individual and group to make for itself.

The rights of each of us as citizens correspond very closely with our obligations. Probably first and foremost, at least it is mentioned first in the United States Constitution, is the right to vote for elected officials. Closely related is the right to vote on the increasingly numerous bond and referendum issues that are presented to the voters particularly as a part of State and local elections.

The second most important right and obligation is to inform legislators and policy makers of our needs and our views. In the words of the First Amendment "to petition for a redress of our grievances." Without such information the processes of policy development are bound to be impaired. Whereas voting can be accomplished on an individual basis, the presentation of views and opinions can either be done individually or can be done in groups. It is the growth of interest groups which has been the most striking phenomenon of modern government. This development has had profound effects on the way that policy is developed and established by public agencies (Truman, 1951).

The range of such groups is exceedingly broad, including such groups as the United States Chamber of Commerce, the National Welfare Rights Organization, labor union legislative representatives, the National Rehabilitation Association, and the various organizations for the blind, to cite just a few examples.

Moving from rights to responsibilities, I would note that the most self-evident responsibility is the one to become informed. A knowledgeable and informed viewpoint is not only likely to carry more weight with harried legislators and bureaucrats but it is also the only viewpoint worth expressing. This responsibility to become informed on facts, legislative bills and public issues demands a lively curiosity, a willingness to dig for data and do research, and a capacity to analyze the data to arrive at sound conclusions and judgments. Although this may sound somewhat forbidding, it need not be so; but it requires adjustment to the needs of the moment. In some cases statistical tables and sophisticated research may be needed to make a point. In others, the best approach may be a recitation of personal experiences or a citation of poignant case examples.

The second responsibility is to respect other people's points of view and be willing to accept or accommodate to some part of those views to achieve your ends. Without compromising our basic integrity, it is essential that we be prepared to effect and accept compromises in order to achieve progress. In a pluralistic society like ours, the needs and demands of various groups are so numerous that not all can be fully satisfied at any one time. An attempt by each group to push for its goals to the exclusion of others disrupts the processes of policy development that have grown up in our public institutions and can be counter-productive. Where the fine line between advocacy, militancy, and disruption should be drawn cannot be established by precept. The experience of blacks in this country has vividly illustrated that different times and issues call for different strategies. Over the long haul, however, techniques of public information, coalition formation and accommodation would seem to produce the best results.

Another item of great importance for you to consider as you embark on your discussions of the next few days is a healthy appreciation of the complexities of any campaign of activism in public affairs. These complexities have two important dimensions. First is the complexity of the policy development and implementation process itself. The second is the Federal

nature of our form of government which divides public accountability and decision-making among many levels of government.

Let me begin by discussing the second element. Social welfare expenditures, that is public outlays for housing, education, social insurance, public welfare, vocational rehabilitation, and related programs amounted to approximately $171 billion in 1971. Although $92.4 billion was spent by the Federal government, the remainder, 45.9 percent or $78 billion was spent by State or local governments (Statistical Abstract, 1972, p. 78). How many of us are aware of the actions of State, municipal, or county governments as they affect our special interests? Two examples will serve for illustration. Last spring, the State of New Jersey appropriated $100,000 to establish an agency to inform deaf people of the services and programs available to them. What is the current status of that item? Hopefully our friends and colleagues in New Jersey are tracking that item.

Similarly, our New York City colleagues are hopefully abreast of the status of the Committee for the Handicapped being established in the Deputy Mayor's Office. Also, hopefully they are aware of the activities and aims of the Temporary State Commission on the Deaf which has been established in the New York State Assembly.

Thus an attempt to be active and informed about public affairs means keeping our lines open to issues and program proposals at all levels of government.

The other element of complexity is the length and diversity of the legislative process itself. The part of that process which is most exposed to public view are legislature hearings and floor sessions. However many other less visible phases of the legislative process are equally important.

A great deal of legislation starts off in executive branches with drafts by staff members deep in the bowels of bureaucracies. Frequently these first drafts exert important influences on the ultimate form of legislation and, therefore, it is important to know who these staff members may be.

After passing through reviews by policy making officials in executive departments, draft bills are circulated for comment and reviewed against chief executive priorities by such control and staff agencies as bureaus of the budget. Usually one of the functions of such agencies is to secure the views of any executive agencies that may have a related program interest. Again, these activities are usually covered by executive confidentiality procedures and are not easily accessible to interest groups.

The most visible parts of the legislative process occur in the Legislative Branches of Government and are the committee hearings and the floor debates. More important in terms of decision-making are executive sessions on bill "mark-ups," contributions and views of staff members, and committees to negotiate differences between versions of bills passed by either legislative chamber, the so-called conference committees.

Executive action on approval or disapproval completes this cycle. At this stage, central budget bureaus or legislative clearance offices also play an important role. Particularly if a bill differs markedly from the original executive branch proposals, this stage may be critical in formulating a new executive position.

The legislative process does not stop with enactment. Rather it is hardly begun at that point. In our modern society, legislation is drafted so broadly that the process of specifying implementing activities and standards is of great importance. This is frequently accomplished through the issuance of regulations. These regulations bear the full force and effect of law once they are adopted. The Department of Health, Education and Welfare is a prime example of an agency whose programs are substantially shaped by the process of issuing regulations.

Without resources, many laws represent untapped potential and empty authorities. The appropriations process thus becomes an essential element of translating statutes into action. The process of appropriations parallels in important respects the process of bill development and enactment that is sketched out above.

Finally, program and administrative planning and the testing and adoption of implementation strategies complete the cycle of activities which influence how public policy as reflected through the legislative process impacts on interest groups.

Any process which is this varied and complex requires constant attention. To paraphrase from another context, "Eternal vigilance is the price of community activism."

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# LEADERSHIP RESPONSIBILITY[1]

Boyce R. Williams

Director, Office of Deafness and
Communicative Disorders
Rehabilitation Services Administration

During the past two years we have witnessed sharp expansion in civic action by deaf people and their friends. Specifically, deaf community leadership has assumed responsibility for developing awareness of, interest in and concern about legislation which is important to the well being and advancement of all deaf people and in its implementation by the designated program people at Federal, State, and local levels. In short, the deaf community is at long last learning the workings of a democracy. It is agitating. It is making itself heard in the right places, at the right times, by the right people.

This is refreshing, stimulating. The Council of Organizations Serving the Deaf, the National Association of the Deaf, other voluntary organizations, professional organizations serving the deaf, all have responded well to the challenge that we face. Nationally, leading deaf workers have assumed responsibility for keeping themselves informed about the status of substantive legislative proposals and for subsequently transmitting their knowledge to workers over the country, urging appropriate response to their elected representatives in Congress and to executive workers. This is good. The elected representatives want to be helpful, but they cannot do so if deaf people do not tell them what their needs are, and if they do not tell their Congressman why they hope that they will see their way clear to support action favorable to the interests of deaf people.

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[1]This paper was prepared prior to the passage by the Congress and acceptance of the administration of the Rehabilitation Act of 1973.

The hundreds and hundreds of letters to government officials and Senators and Representatives during the past two years are cumulative in their impact. Not only do they influence the legislators' positions on a given piece of legislation, but they also spread in wider and wider circles the critically important understandings (1) that there is a large deaf community over the country, (2) that the services being provided are not adequate, and (3) that there are many people who do care, who are concerned.

This historic evidence of the growing social maturity and responsibility among deaf leaders indicate that we are learning well and rapidly how the essentials for equal opportunity will be achieved. Certainly, the lessons have been fruitful. Most students and practitioners in our field consider it is only a question of time until we have the ideal. Examination of the twice vetoed legislation and pending act, the Rehabilitation Act of 1972, is stimulating and instructive.

Interpreter Services

First of all, carried over from the Rehabilitation Act under which the program has been operating for a number of years is the provision for interpreter services to deaf clients. We must understand that authorization is not the same as implementation. During the years that this authorization has existed, no real far-reaching program of implementation has been developed. In other words, interpreting services have been provided to selected deaf clients only when it was obviously very essential. No guidelines have been developed for the State vocational rehabilitation agencies to provide deaf clients with interpreting services in such critical service delivery areas as the medical examination, the diagnostic and evaluation processes, adjustment training of various kinds, vocational training, or the counseling process when the counselor himself is unable to communicate manually.

Why has this clearly apparent vacuum existed? The answer is simply because deaf consumers have not demanded improvement. While it is true that we who profess to be leaders have not properly brought this situation to deaf consumer attention, it is a fact

that it does exist. In it lies a basic lesson. The flow of work in government inevitably follows directly the pressures that develop. When the target population (deaf people) is passive, necessary pressures are absent. Our lack of development of guidelines and informative materials to the State vocational rehabilitation agencies on the use of interpreters in the provision of services to deaf clients reflects this condition. In other words, more effective use of the interpreter in the vocational rehabilitation process is not really going to happen on a large scale until the deaf community makes known to vocational rehabilitation workers its concern about the inadequacies of existing practices.

Rehabilitation Centers for Deaf Individuals

The excitement of the authorization in the twice vetoed Rehabilitation Act of 1972 for rehabilitation centers for deaf individuals was far-reaching in professional and voluntary circles over the country. All knowledgeable people saw in this legal language the long sought opportunity by which at last we could serve the very severely handicapped deaf population that is now pretty much unserved. They are unserved largely because we do not have the places and the people for such service, although we know from our demonstration in Lansing from 1962 through 1965 that almost all of these very marginal deaf people can be elevated to capability for independent living through long-term intensive training.

The vetoed legislation would have provided a legal base whereby funds would be specifically appropriated for the establishment and operation of rehabilitation centers for severely handicapped deaf people. This legislation would have authorized the training of sorely needed professional workers to serve this population, the conduction of research and a public information program about the capabilities of deaf people primarily for employer consumption. In addition to these critically important authorizations, this act would have authorized the delivery of all necessary services to deaf people who could not be served effectively elsewhere.

The seedbed for this exciting legislation lay in the history of vocational rehabilitation research and demonstration efforts for deaf people. Our previous special activities included research and demonstration grants which were limited to three, four or five years. Experience has borne out that that is not enough time to develop within a given project the capability for independent support. The result has been that very few of these worthwhile and exciting activities were able to continue after the grant money expired. Case service funds which became the principal source of support, after grant termination, were not adequate. Many experiences of this kind generated awareness among specialized rehabilitation workers for the deaf over the country that we must have hard money, that is, annual appropriated money specifically for programs for severely handicapped deaf people. The soft money, which is the label given to grants, was not an adequate base for a continuing program. Consequently, the vetoed Rehabilitation Act contained the language for hard money or appropriated funds for such centers.

In the pending legislation, which it is assumed will be passed by Congress and approved by the President, rehabilitation centers for deaf individuals survive as a label. However, the source of support will still be the grant process which places them again in the soft money category which many students of our work feel cannot succeed. We are hopeful that we have enough experience now coupled with the clear intent of the Congress in the twice vetoed legislation to permit us to enter upon the grant process with enough leverage to gain approval for more years than the usual three to five, and more generous funding for personnel and other essentials.

Of course, the training of professionals, the research, the public information authorizations of the vetoed legislation will not materialize in the subsequent special grant process. Nor will construction of buildings be possible.

Telecommunications

The pending legislation continues from the vetoed legislation the new vocational rehabilitation service,

"telecommunications, sensory and other technological aids and devices." This has tremendous implications for rolling back employment horizons for deaf people. No longer can the telephone barrier prevent an otherwise qualified deaf individual from entering challenging professional, scientific, or administrative employment. How well and how quickly this tremendous authorization is implemented to provide deaf people over the country with appropriate telecommunication service will depend directly upon the interest and concern that deaf leadership manifests.

We must relate this statement to the growing impact of the New Federalism which calls for decentralization of decisions to the Regions and the States. This philosophy is very appealing to all of us. In order that it be helpful and not harmful to a very complex small population like deaf people, it is more important than mere words can say that deaf leadership work closely with the Regions and the States in developing understanding and acceptance of the needs of deaf people. This is important in all ramifications of the State-Federal vocational rehabilitation program or any other public service which depends upon Federal funding.

In the new untried services like telecommunications, the effectiveness of the delivery of telecommunication service in a given part of the country may relate directly to the effectiveness of the deaf consumers and their associates in relating to the Regional and State vocational rehabilitation workers.

We must develop clear concepts of and pragmatic procedures for (1) procurement, (2) installation, (3) maintenance, and (4) training in use in respect to telecommunications equipment. Moreover, we must come to grips with an elusive concept in this field, specifically, systems. We must have in mind that the telecommunications needs of a given individual will not be met in isolation from the rest of the employment setting. In other words, we do not provide a deaf person alone with a teletype and assume then that his telephone problems are resolved. All of us here know that a teletype is useful only when it is related to another teletype.

Other Possibilities

The pending legislation requires that the State vocational rehabilitation agencies provide priority to serving the severely disabled. Since deaf people are classified as severely disabled, it naturally follows that the State vocational rehabilitation agencies will be interested in improving and expanding their services to deaf people over the country. Again, this will not happen to the extent that it should unless the leadership of the deaf community relates to the State vocational rehabilitation agencies, discusses needs and possible solutions.

Conclusion

In summary, I have tried to bring into focus the urgent need for the deaf community to be heard, to exchange views with local and State authorities, to offer their services in expanding and improving service delivery programs.

It does none of us any good to reflect upon what might have been unless we make that the basis for determining that our future activity will be influenced by our shortcomings of the past. We can consider this substantive thought endlessly to very good advantage. It is a commendable process of introspection and evaluation.

The next step is some feeling of gratification for the good work that has been done these past several years in developing awareness and understanding. Our continuing posture must be that we are going to make an all-out effort for the pending legislation to demonstrate the real capabilities of even our most severely handicapped deaf people to surmount their tremendous problems when they have the equal opportunity that is their birthright. This equality of opportunity can and shall be manifested in the rehabilitation centers for deaf individuals, which we shall establish under the grant process over the next several years, and in the other authorizations that we have examined briefly in these remarks. How fast and how effectively we move nationally or in a given State is in your hands.

# LEGISLATIVE PROCESSES:
# THE LEGISLATOR AND THE CONSUMER

Joseph H. Owens, Jr.

Executive Director
Council of State Administrators
of Vocational Rehabilitation

The origin of the verb "to lobby" comes from the early history of our nation, when individuals representing a certain interest group would wait in the lobby outside the chambers of the House of Representatives and the Senate. When the Representatives or Senators left the chambers, the "lobbyists" would buttonhole them and give their arguments as to why they should vote a certain way on a piece of legislation.

Today, the term "lobbying" has taken on an almost sinister meaning. A lobbyist is thought of as a slick, Madison Avenue type who wines and dines Members of Congress, puts on gala cocktail parties, and lavishes gifts on legislators in return for the right vote.

Most lobbying groups do not operate in this manner, and it certainly is not necessary for an organization to do any of these things in order to make its voice heard in the Congress and to have a meaningful effect on legislation affecting its members.

An organization, regardless of its size, is only as strong as its individual members are willing to make it. Well organized leadership is important, but an active and informed membership is vital. No matter who is the president or director of an organization, he is powerless if his membership is apathetic or uninformed.

A basic understanding of what motivates a Member of Congress, of the functions of a Congressional office, and of the legislative process, are essential to any efforts to influence proposed legislation. Rather than go into great detail, I shall provide only some basic information which may prove useful.

## What Motivates A Member Of Congress

The voters in a Congressman's own district or a Senator's own state are the people to whom he is directly responsible and to whom he is most responsive. A letter to a Member of Congress from the executive director of a large organization is meaningless, unless, of course, he shows that Member that he represents interests vital to his constituency. Otherwise, it will most likely be dropped in the trash can.

However, correspondence from citizen's--and more important, voters--in a Members district, receive more than a passing glance. At the very least, such correspondence elicits a written reply. At the most, letters from individuals representing a group whose campaign is well organized and thoughtfully planned can have a significant effect on the resulting legislation.

Thus, the first and most important rule in getting a Member of Congress to respond to an individual or to a group is to see that the right Member of Congress is contacted by the right individuals. If an organization is made up of individuals representing many states, it can make its voice heard most effectively by having each individual contact his own state's Congressmen and Senators.

## Functions Of A Congressional Office

Although the organization of Congressional offices may vary somewhat, all offices perform the same basic functions: responding to constituent mail, helping with individual and collective constituent problems, public relations, project and grant coordination, and legislation.

The letters which pour into a Congressman's office--often hundreds each day--represent a cross-section of his constituency and may deal with hundreds of individual problems. But all have one thing in common. Each asks that Member to do something for him.

A Congressional office generally has from one to several staff members called "case workers." These staff members deal with problems which require more than one letter to be written, sometimes over a period of time, thereby accumulating a case file. It may take only a short time for the case to be closed, or it may take many months. A case file may deal with any one of a number of problems, such as an individual's claim for Social Security disability benefits, a serviceman's efforts to be released early to attend school, or a citizen attempting to get the road repaired in front of his home. Since each person who writes to a Congressman with a problem of this sort is a voter or a prospective voter, many hours each day are devoted to case work.

The public relations function, handled by the press assistant, is important to both the Member and to the constituent. If a Member has poor public relations, his chances for re-election may be diminished greatly. At the same time, the constituency profits when the Member has good public relations, since they are given the opportunity to be well-informed about what their representatives in Congress are accomplishing, and therefore are better able to make a rational decision at the polls. The hometown newspapers are generally kept constantly informed of what the Member is doing in Washington--what legislation he is working on that relates to the district, what Federal funds he has obtained for the district, and how he votes on important pieces of legislation. Many Congressmen and Senators send out periodic newsletters to the voters in their districts. Such information, whether in the form of speeches, news articles, interviews, or newsletters, is often important and pertinent to his problems.

More important to the district, since it affects the greatest number of people, is the coordination of applications for projects and grants. There are many

types of Federal grants which are available to the states, such as water and sewer grants, funds for hospital expansion and construction, low-income housing projects, monies for improvement or construction of airport facilities. It is a real "feather in the cap" for any Member when such a grant falls in his district. Most Members devote considerable time and effort to trying to obtain such grants and projects for their districts. But whether or not he played an active role in obtaining the grant, it is certain that his press release to the local newspapers will give him full credit for having obtained it.

Legislation which provides funds for projects such as these is called "porkbarrel legislation." This type of legislation meets with little or no opposition in Congress. It would be political suicide for any Member to oppose a bill providing money for projects and grants to his home district, and no Member would dare vote against a bill providing funds for another Congressman's district, for fear that Congressman would reciprocate by voting against funds for his district. There is an old saying which describes this practice: "You scratch my back, I'll scratch yours." It is an unwritten rule that each Member helps out his colleagues in return for the same favor. Porkbarrel legislation is truly a bipartisan effort.

Most people mistakenly believe that the legislative assistant in a Congressional office spends his time writing bills. Although he may occasionally do this, or more likely commission it to be done, the majority of his time is taken up studying bills already introduced by other Members and recommending to his own Congressman whether he should become a co-sponsor of such a bill. He will recommend also if the Member should support a particular piece of legislation, study the effects which such a vote may have on the district, and answer mail from constituents who write urging the Member to vote a certain way.

Should the Congressman be the initial sponsor of a piece of legislation, the legislative assistant will follow that bill through the entire legislative process, from introduction to enactment--if the bill is successfully passed and signed. He will write testimony for

the Congressman to deliver before the committee which considers the bill, write a speech for his Member to deliver on the floor during the debate, and plan what is termed "floor strategy" for when the bill is being debated and voted on by the Congress.

In any of these functions, assistance from informed and interested parties is welcomed by a busy legislative assistant.

The Committee System

Both the House and the Senate have various committees, each of which is divided into numerous subcommittees, and each Member is assigned to one or more committees. When a Member introduces a bill, it is referred to the committee which has jurisdiction over that particular area of legislation. For example, the House Interior and Insular Affairs Committee is divided into subcommittees on The Environment, Indian Affairs, Water and Power Resources, Mines and Mining, National Parks and Recreation, Public Lands, and Territorial and Insular Affairs. Each of these subcommittees handles bills dealing with that area of legislation.

The number of bills which are introduced each year and the number which actually become law do not coincide in the least, the former being considerably larger than the latter.

After a bill has been referred to the proper committee, considerable pressure must be applied before it passes beyond this initial stage. The public, the sponsors, and the Administration must show strong interest in the bill. Another extremely vital factor in determining whether a bill gets past this stage is whether the committee chairman shows an interest in the legislation. If the chairman likes the bill, and if sufficient pressure from other sources is applied, then hearings may be scheduled. Otherwise, the bill dies in committee.

Should hearings be scheduled on a bill, the sponsors of the bill are given the opportunity to testify first in favor of their bill. They are

followed by Administration witnesses from the agency responsible for administering the bill if enacted. Finally, public witnesses, representing groups having an interest in the legislation, are given the opportunity to testify in favor of or against the bill.

It is often said that "the real work of Congress is done in the Committees." Not only is a great portion of each Member's time spent in committee work, but it is the committees which actually write the bills in the form in which they reach the floor. Rarely does a bill reach the floor unchanged.

After the hearings have been concluded, the subcommittee staff prepares what is called a "subcommittee draft." If the Chairman then wishes to see the bill reach the floor, he will schedule a "mark-up session," at which changes and amendments will be made by members of the subcommittee. After that mark-up session is completed, the full committee must schedule a second mark-up session. The full committee then must vote on the bill, and if a majority votes for it, it is ordered reported. At this point, the staff will prepare the committee report, which is a document explaining the committee's intention as to what the bill is supposed to do. The report must also be approved by a majority of the committee members, and if this is done, the bill is reported to the floor for a vote.

In the Senate, once a bill has been reported, the leader of the majority party decides what bills will be scheduled for floor action and when. In the House, the committee chairman must request a hearing before the Rules Committee, which schedules legislation on the floor of the House. The chairman of the Rules Committee is a very powerful and influential man, since this Committee literally has the power of life or death over a piece of legislation. Should the Rules Committee not wish to see a bill reach the floor for a vote, it need not report the bill out of the Committee, in which case it dies. Otherwise, the Committee will grant a rule setting up the ground rules for floor action. If they grant it an "open rule," amendments may be offered on the floor, in which case the bill can conceivably be altered considerably by

amendments. If a "closed rule" is granted, the bill must be passed or rejected without amendments. The Rules Committee also limits the time allowed for debate on the bill.

A piece of legislation must pass both the House and the Senate before it can be sent to the President for his signature. If the bill fails to get a majority vote in either House, then it is dead. A bill may pass both the House and the Senate in identical form, in which case it may be sent to the President immediately.

Often, however, the bill will pass both chambers in different forms. When this happens, a conference committee, composed generally of selected members of the House and Senate committees which considered the respective bills, must be appointed. The conference committee meets as many times as necessary to iron out the differences between the two versions and to produce a compromise bill. Both the House and the Senate must then pass the conference version, and it is then sent to the White House for the President's signature. The President has the option of signing the bill, in which case it becomes law; or vetoing it, in which case both the House and the Senate must pass the bill a second time, but this time by a two-thirds vote, in order to override the veto. The Congress is rarely able to muster enough support to override a veto, however.

Lobbying Strategy

An organization's strategy, whether they work through individual Members of Congress or through committees, will depend upon what stage the legislation has reached, as well as state affiliation and committee assignments.

If the bill has already been reported out of committee and is about to be considered on the floor of either chamber, the time is ripe to let individual Members know what effect the bill will have on their districts and their constituents. It is particularly essential at this point that each member of the organization write, wire, or telephone his own Representative or Senators to express his interest in the pending

legislation. This cannot be emphasized strongly enough; a Member of Congress is responsible, and, therefore, usually only responsible to, voters from his own state. A few Members, seeking national status or reputation in a certain field, may not follow this rule, but there are only a few exceptions to it.

In writing to a Member of Congress, it is important to be as brief and as concise as possible. At the same time, it is important to give all the pertinent facts. For example, if one wishes the Congressman to support a certain bill, it is necessary to tell the name of the bill and the number (for example, H.R. 8070, the Rehabilitation Act of 1973), and briefly tell why one supports the bill. It would also be helpful to remind the Member that the writer is only one of many people in his district who favor the legislation and will be helped by it. If available, specific figures on the need for the bill and its impact should be included.

When time is of the essence, a telephone call to the office of the Member can be very effective and can spur prompt action. However, one should not be insulted if he asks to speak to the Congressman and is referred to a staff member. Congressmen and Senators spend a great deal of their time in committee meetings, on the House or Senate floor, meeting with constituents, or a thousand other necessary duties. Should one be unable to speak with the Member directly, it is important to speak with a staff member who will know how to deal with the request. The receptionist is usually not the one to tell--your message will get handled more quickly if you ask to speak to the legislative assistant, since he will be familiar with pending legislation.

Strategy will be considerably different if the bill has not gone through the committee process.

The first--and major--hurdle is to get the chairman of the full committee or subcommittee to hold hearings on the legislation. The chairman and other members of the subcommittee should be contacted by as many members of the organization as possible, and most

important, by those members of the organization from the states of the Members of the committee. If enough members of the subcommittee can be convinced that their own states will profit in some way by passage of the bill, and particularly, if the chairman of the subcommittee can be convinced of that, chances are good that hearings will be scheduled.

Once hearings have been set, an organization may write the clerk of the committee to request that a representative of the group be allowed to testify during the hearings. A group may also ask to have testimony included in the record of the hearings, if there is not ample time or opportunity for the group's representative to appear in person.

After the hearings have concluded, members of the subcommittee can be contacted and urged to support or introduce amendments to the bill during the mark-up.

Most bills are passed in the form in which they are sent to the floor by the committee. However, sometimes a controversial bill will be passed only after a floor fight, which may alter the bill considerably. If the bill which has been reported by a committee is not what an organization wishes to be enacted, efforts must be made to find a Congressman who is sympathetic to the cause. It would be most effective if this Member were well-known and powerful, or a member of the committee which considered the bill. Members of the organization should write, wire, and telephone him to urge him to introduce the amendment on the floor, to make the bill more acceptable to the organization. In such a case as this, the legislative assistant should be dealt with directly, since he will write the amendment and plan the floor strategy. All of the members of the organization should contact their own Members of Congress, to alert them that an amendment will be introduced on the floor. The significance of the action should be explained, and that Member should be strongly urged to support the amendment and the final passage of the bill as amended.

"The Wheels Of Congress Grind Slowly"

There are many points in the legislative process at which a bill can be killed. A group may

enthusiastically work for a bill for many months, only to see it languish and die in the Rules Committee, or to see a Committee chairman allow the bill to linger until the end of a Congressional session without ever scheduling a mark-up.

It has been previously pointed out that the number of bills which are actually introduced and the number eventually enacted are not the same. Because of limited time, it would be impossible for each bill introduced to even have hearings held on it. Therefore, although it is most frustrating and disappointing when a group's efforts fail to produce the intended results, it happens all too often.

Constituents have a right to expect from their legislators cooperation and support for matters affecting their districts. A Member of Congress will usually make assurances that he is doing and will continue to do all he can for an individual or a group. It is unfair, however, to expect him to work miracles, since he is limited by many factors. For example, a Member not on the Agriculture Committee cannot be expected to force that Committee to hold hearings on a piece of legislation. His efforts are fairly limited to voting affirmatively on the bill, should it reach the floor.

Copies of bills and reports and other information is easily accessible to the public. Individuals and groups will find their legislators most cooperative in providing copies of bills, reports, as well as other information about legislation. Also, if the Member is sympathetic to a group's cause, that group may find his office most cooperative in providing help and advice on how to best rally additional support.

It is important to enter a lobbying effort with a realistic point of view, knowing that in spite of much hard work on the part of many individuals, legislation may not evolve the way it is hoped. At the same time, though, the elation of seeing many months of dedicated effort and downright hard work culminate in enactment of legislation, and the satisfaction of knowing that one actually made some effective input into the legislative process, justifies every moment of work that went into that effort.

# LEGISLATIVE PROCESS: CONSUMER ADVOCACY

Irvin P. Schloss

Coordinator of Governmental Relations
American Foundation for the Blind

Before discussing legislative processes and the role of consumer advocacy in those processes, I should like to clarify several points. First, the American Foundation for the Blind is the national voluntary research and consultant organization in the field of services to blind persons of all ages. It is not an organization of blind persons. It is not, therefore, an organization of consumers or beneficiaries of services. Rather, the American Foundation for the Blind is a provider of services through the various activities of its professional staff. It is an information and program development resource for public and private agencies serving blind persons, an information and referral resource for blind persons and their families, and a source from which blind persons can purchase aids and devices adapted for touch reading, such as braille watches on a mail order basis.

Although it is not a consumer organization, the Foundation is consumer oriented. All of its activities are designed to identify unmet needs in services to blind people and to assist in developing ways of meeting those needs and improving those services. This may involve stimulation of research to improve educational techniques or to develop sensory aids; professional consultation to assist a local agency for the blind to reorganize its services or to assist a general agency in a community to work with blind clients as it would with any other client; preparation of educational films to improve public and employer attitudes and create a better climate of acceptance of blind people as individuals; or the use of legislative processes at the national level to create needed

programs which require Federal financial assistance to achieve their objectives.

My role as the Foundation's Coordinator of Governmental Relations is to work with Federal Executive Branch agencies and the Congress of the United States to achieve needed improvements in service programs for blind and severely handicapped individuals through administrative or legislative means, or both. These needed program improvements are identified by our professional staff, based on their contacts with both governmental and nongovernmental service delivery systems throughout the country. Thus, our consumer advocacy role is based on observation and evaluation of needs as professionals serving blind persons see those needs as opposed to an organization of blind persons--consumers--identifying needs and assuming an advocacy role on their own behalf. Since our purpose is the same--improvement of services to blind persons--it is only rarely that we and organizations of blind persons differ as to the needs; and at the national governmental level, we work closely together in advocating improvements from our respective vantage points. Needless to say, this coalition approach is most effective, particularly in working with the Congress.

Except for programs which meet unique needs of blind persons--provision of braille and recorded books, for example--most programs authorized by the Congress are designed to cover services to all types of handicapped individuals while allowing for provision of specialized services within the general framework. As examples, I can cite the Education of the Handicapped Act, under which teachers of all types of handicapped children receive training in specialized teaching techniques required to teach blind children or deaf children or mentally retarded children. Similarly, vocational rehabilitation legislation authorizes provision of services to all types of eligible handicapped individuals while allowing for specialized services for specific handicapping conditions. Thus, it is both desirable and effective for all types of handicapped individuals to work together to achieve needed improvements which will benefit all, while still supporting the specialized needs of each group.

Virtually all of my work experience has been on the national level of government, but what I say about national legislative processes and the way our national government works will also apply to state and local governments. As you know, our national government consists of three branches--the Executive, the Legislative, and the Judicial. All three branches have a vital role to play in the development and provision of services to handicapped persons, with the last--the Judicial Branch--assuming greater importance in recent years in assuring services to the handicapped.

The Executive Branch consists of the President and most of the agencies of government which administer or carry out service programs at the national level, like the Department of Health, Education, and Welfare. At state level, the governor and agencies of state government like the Department of Education, the Department of Vocational Rehabilitation, or the Department of Public Health are, of course, comparable. At the local level, we have the mayor or county executive and the city or county education department, health department, or welfare department.

The Executive Branch has a key and frequently decisive role to play in the development of service programs for handicapped people and in the effectiveness with which they are carried out. Most service programs require legislation to establish and finance them, and the appropriate executive branch agencies usually initiate legislation to establish a new program or extend and expand an existing one in accordance with the priorities of a given Administration. In addition, the regulations process--the administrative procedure for spelling out how a law will actually be implemented--is a crucial one.

The Legislative Branch at the national level consists of the Congress of the United States and several supporting agencies, such as the Library of Congress, the Government Printing Office, and the General Accounting Office. Incidentally, the program under which books for the blind and physically handicapped in braille and recorded form, as well as record players that are provided free to eligible

persons, is administered by the Library of Congress. As you know, the Congress itself consists of two co-equal bodies--the Senate, consisting of two senators from each of the 50 states, and the House of Representatives, consisting of 435 members each elected from a congressional district whose boundaries are determined by state legislatures on the basis of population determined by the decennial census.

At state level, the legislative body is usually called the General Assembly; and in all states but Nebraska, it consists of a Senate and a House of Representatives or House of Delegates. Nebraska is unique in that it is the only state having a single chamber (unicameral legislature). Most local governments have a single chamber or unicameral legislative body usually called a city council, or town council, or county council.

The Judicial Branch at the national government level consists of the Supreme Court, 11 Circuit Courts of Appeals, 94 Federal District Courts, and several specialized courts like the Tax Court and the Court of Customs and Patent Appeals. At state and local levels of government, there are comparable court systems with varying degrees of authority. The role of the courts is to interpret the law when someone brings an actual case to them for decision. As I indicated earlier, the role of the courts with regard to services to handicapped persons has become increasingly important as parents in an increasing number of states have gone to court to obtain decisions requiring school systems--part of the executive branch of state and local governments--to assure a free, public education to their handicapped children.

What are legislative processes? They are simply the processes by which our laws are made. And the laws we are interested in for this particular discussion are those establishing programs to serve handicapped people. Although I shall be talking about these processes at the national government level, it is well to remember that many of the programs we are talking about are Federal-state partnership programs; that is, the Federal law specifies that a state will get a specific amount of Federal money to

carry out a specific program if the state agrees to carry out the program in accordance with certain standards and to pay for part of the cost. Thus, many of the Federal laws establishing programs to assist handicapped people also require state laws to implement them. A good example is the vocational rehabilitation program, where an agency of state government provides the services or contracts with a private agency for some of them and receives Federal funds to finance a substantial part of the cost of these services.

Both the Senate and the House of Representatives are organized into committees which are assigned jurisdiction over specific kinds of legislation. For example, the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor handle legislation on vocational rehabilitation and on the education of handicapped children. Most committees are, in turn, organized into subcommittees and are assigned jurisdiction over specific kinds of bills by the full committee. Using our same example, the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare and the Select Subcommittee on Education of the House Committee on Education and Labor both handle vocational rehabilitation bills and bills on the education of handicapped children, while other subcommittees of those same full committees take care of labor or general education legislation. As a result of this subcommittee and committee structure, the Congress can work on all kinds of legislation simultaneously; and the Senators and Representatives and staff members or the various subcommittees and committees can become knowledgeable about special areas of legislation they work on. As you can imagine, most of the work of the Congress is done in subcommittees and committees; and when a bill gets to the floor of the Senate or House of Representatives to be voted on, other members usually rely on the judgment and recommendations of the committee which processed the legislation.

Let's follow vocational rehabilitation legislation through the Congress to see how the process works. Let's assume that the Vocational Rehabilitation Act is due to expire next June 30, and legislation to

extend it must, therefore, be enacted before then. Staff members of the Rehabilitation Services Administration in the Department of Health, Education and Welfare have developed specifications for improvements they believe should be in the legislation extending the program; and after many conferences at various levels of the hierarchy in HEW, a draft bill is sent by the Secretary to the Office of Management and Budget in the Executive Office of the President for approval or modification in accordance with Administration policy. After that, the approved Administration bill accompanied by an explanation is sent to both the Senate and House of Representatives for introduction. In the Senate, it will be given a number with the letter "S" in front of it; in the House of Representatives, it will be given a number with the letters "H.R." in front of it. When the majority in the Senate and House are of the same party as the President, the chairman of the committee handling the legislation usually introduces it on behalf of the Administration. When the majority in the Congress is of a different party from the President, as is the case now, then the ranking minority member of that same committee usually introduces the bill.

At the same time, national nongovernmental organizations like the National Rehabilitation Association, American Foundation for the Blind, National Association of the Deaf, National Association for Retarded Children, and others, may also have improvements they would like to see incorporated in new legislation extending the vocational rehabilitation program. Working separately or in coalitions, they have their ideas drafted in bill form and ask members of the Senate and House to introduce these bills. In addition, individual Senators and Representatives will introduce bills based on specific needs some of their own constituents have told them about. Sometimes, the same Senators and Representatives will be sponsors of an Administration bill, bills suggested by organizations, and bills suggested by constituents in order to assure adequate consideration of various improvements.

The next step is the hearing process. Depending on the complexity of the legislation, public hearings may take anywhere from one two-hour session to several weeks, as is the case with social security or tax

legislation. In recent years, several days of hearings have been held on vocational rehabilitation legislation by both the House and Senate subcommittees.

Administration witnesses usually appear on the first day of public hearings. If the legislation is of great magnitude, then the head of the Federal agency which would administer the legislation will usually appear accompanied by experts who assist in answering questions members of the subcommittee ask after he has read his prepared statement. The procedure for public witnesses--usually the representatives of interested organizations--is the same. Copies of the prepared statement are supplied in advance in quantity to the subcommittee. The witness either reads the statement verbatim or summarizes it. Members of the subcommittee then ask various questions to clarify points.

The next step is for members of the subcommittee to meet in executive session to decide on the action they will take on the legislation, taking into account the Administration's views on all of the pending bills and the views of the various public witnesses. They then order a bill containing the changes they have made after their deliberations reported to the full committee. This bill will frequently be the principal bill amended to contain all the changes, including provisions from other pending bills. If the changes are numerous and the legislation complex, the chairman will frequently introduce a new bill called a "clean" bill, so that the end product will not be so voluminous and marked up with lines printed through parts cut out and italicized insertions.

After the bill is ordered reported to the full committee, they meet in executive session and may make changes. The bill is then reported to the full Senate or House, accompanied by a report which explains all of the changes made in the existing law and their justification. In all of this procedure, the subcommittee and full committee staff play a major role in advising the Senators and Representatives and in drafting the amended bill and the report. They consult with Administration officials to ascertain whether some changes are acceptable and with representatives of interested nongovernmental organizations as well.

Following the reporting of a bill, it is scheduled for floor consideration by the full House of Representatives or the full Senate. After explanation by the floor manager of the bill, who is usually the chairman of the subcommittee or the full committee which handled it, there is discussion and sometimes debate on the bill. Sometimes amendments are offered on the floor, and they are each debated and voted upon. It should be noted that there are procedures in both Houses of the Congress for expediting floor action on noncontroversial bills. These include bringing the bills up under suspension of the rules or placing them on the unanimous consent calendar.

Since a bill must be passed by both the Senate and the House of Representatives in identical form before it can be sent to the President for his approval, the procedure I have just described--public hearings; changes (amendments) by the subcommittee, full committee, or on the floor; and passage by the full body--generally takes place in each house. Occasionally, especially on noncontroversial bills, one house or the other will forego public hearing. The committee having jurisdiction over the bill will quickly report it, and the full body will pass it in the same form as it came from the other house and send it on to the President.

As frequently happens on major bills, the House of Representatives and the Senate will each pass a bill in differing forms and refuse to accept the version passed by the other. The bill must then go to a conference committee, consisting of the members from both the majority and minority parties of the subcommittees and full committees which processed the bill in each house. The members of the conference committee then meet and negotiate to reconcile differences in the bill. When the conferees agree on a final version of the bill, they then issue a conference report explaining what they have done. The conference report must then be adopted by both the House and Senate in turn, and the agreed-upon version of the bill is sent to the President for his approval and signature.

The President has 10 legislative days to approve or disapprove (veto) the bill after he actually

receives it. If he fails to approve or disapprove the bill within those 10 legislative days, while Congress is in session, then the bill automatically becomes law without his signature. If the Congress has adjourned and the President fails to sign a bill within 10 legislative days after he has received it, then it is automatically disapproved. This is commonly called a pocket veto, and it is what happened to the vocational rehabilitation bill last fall at the end of the 92nd Congress.

When the President disapproves (vetoes) a bill while Congress is in session, he sends it back to the Congress with a message of disapproval (veto message) explaining why he will not sign the bill. The Congress then has the opportunity to override the veto. Starting with the house which first passed the bill, each house votes in turn to override, with two-thirds of the members present and voting being required to vote favorably to override in each house. If the vote to override is successful, then the bill becomes law in spite of the President's disapproval.

Last spring, the President vetoed a revised vocational rehabilitation bill, and the Congress had an opportunity to override. However, the Senate, which voted first to override, failed to muster the necessary two-thirds vote to do so, and the effort failed. The Congress was then left with the option of starting over to develop a vocational rehabilitation bill to which the President would not object.

The legislative processes we have discussed involve the enactment of legislation to authorize establishment of programs. No matter how great the program established by law may be, it is absolutely meaningless unless Congress appropriates funds to implement it and the administering agency spends those funds. The legislative processes for appropriations are virtually identical to what we have outlined with the following differences. The House of Representatives acts first to pass an appropriations bill, which always, therefore, has "H.R." in front of the number. Hearings are held by the appropriate subcommittee of the House Committee on Appropriations on the basis of the budget requested by the President. A bill is introduced by the chairman of the appropriate subcommittee or the

full committee only after the House Committee on Appropriations has completed action and reports the bill to the full House of Representatives. Thereafter, the process is the same--passage by the full House of Representatives, usually with amendments; hearings by the appropriate Senate subcommittee; reporting by the Senate Committee on Appropriations, usually with changes; passage by the full Senate, usually with additional changes; a conference between appropriate members of the House and Senate Committees on Appropriations to reconcile differences; passage of the version of the bill agreed upon in conference by both the House and Senate; and approval or disapproval by the President.

In the case of appropriations, there is only one bill covering regular appropriations for a given fiscal year which initially makes its way through Congress and is sent to the President. For example, there is only one bill making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1974. This is in contrast to amendments to the Vocational Rehabilitation Act, where a dozen or more bills may be introduced in both the House and Senate initiated from a variety of sources, or amendments to the Social Security Act, with literally hundreds of bills introduced. Thus, interested nongovernmental organizations must make their views on appropriations bills known through the public hearings process or through letters and oral communication with members of the appropriations committees and of the House and Senate generally. One does not ask a member of Congress to introduce a separate appropriations bill to meet specific program funding needs because he cannot do it as he could a bill to amend authorizing legislation like the Vocational Rehabilitation Act.

Later in a fiscal year, there are usually several supplemental appropriations bills, each covering many agencies of the Government in contrast to the regular appropriations bills, each of which will cover funding for a few agencies. Supplemental appropriations also originate as supplemental budget requests from the President. They are made necessary by the fact that the Congress has enacted new programs subsequent to passage of the regular appropriations

bills or because more people turned out to be eligible for obligatory public assistance programs or veterans compensation and pension programs. The procedure for the processing of supplemental appropriations bills is identical to that outlined for regular appropriations bills.

I should like at this point to emphasize the importance in every step of the legislative process of the voluntary organization, whether it is a membership organization of handicapped people or a nongovernmental organization serving handicapped people. First and foremost, the voluntary organization is a major resource to the legislature--national, state, or local--in interpreting the needs of its constituency factually, authoritatively, and forcefully. Too frequently, the Executive Branch agencies administering programs, which have great resources to identify needs and problem areas in a given program, are not permitted to advocate improvements they consider necessary because higher authority in a given administration may have entirely different priorities.

Therefore, the representatives of nongovernmental organizations interested in programs for the handicapped have an even more significant role to play in getting their message across at all levels of government. We must work closely with sympathetic members of Congress and their staff. We must identify and work with sympathetic members of state and local legislature. And we must identify, educate, and cultivate the sympathetic interest of individuals in the power structure of both political parties at state and local levels. These are the individuals who control party machinery, who get out the vote during elections, who make sizable financial contributions in election campaigns. Frequently, these are individuals of standing in the business community who have a sense of community responsibility and who serve on the boards of directors of local agencies for handicapped persons or other local social service agencies. Telephone calls and letters from individuals like these or from state and local elected officials to members of Congress and to the White House can have a significant impact on the course and content of a bill during the legislative process at the national level, and the same will certainly be true at the state and local levels of government.

Before closing, I would like to stress the importance of monitoring the implementation of laws at the grass roots level where the objective of all of our effort resides--the individual to be served, the consumer. No matter how well written and comprehensive a law may be, no matter how well the program it establishes is funded, if it does not serve the individual it was intended to serve adequately, then we have not succeeded in our objective. As consumer advocates, we need to provide authoritative information about the effectiveness of programs to legislative bodies for their use in future revisions of authorizing legislation and to assist them in their oversight function--the procedure by which legislatures determine how effectively their intent is being implemented.

Legislative processes are only the means to an end. Consumer advocate organizations have the obligation and the responsibility to take an active part in those processes if legislatures are to carry out their functions effectively.

# LEGISLATIVE PROCESSES: THE STATE AGENCY

Norm Silver

Administrator
Oregon Vocational Rehabilitation Division

Many groups, whether they be minorities, unions, professionals, consumers, or advocates of any common cause have accomplished much toward improving their status by working within the political process. Proper action can result in laws that can better the deaf person's life and image.

Examples of several pieces of legislation which could directly be beneficial to the deaf are: (1) prohibiting the selling or distributing of finger alphabet cards by the deaf and/or by persons falsely representing themselves as deaf; (2) provisions for interpreter services in judicial or quasi-judicial hearings and arrests with interpreter fees paid by the County; (3) issuance of facsimile driver licenses (I.D. cards) for handicapped, elderly, etc., persons who are unable to obtain legal driver licenses; (4) guaranteed Civil Rights for the handicapped to obtain housing, employment and access to places of public accommodation without discrimination; and (5) requirement for the State Board of Health to provide hearing examinations and aids for indigent persons aged 60 years and over.

Another piece of legislation which has been introduced in Oregon provided for additional tax exemptions for disabled persons. However, the Oregon Association for the Deaf took an admirable position on this bill with respect to their disability. They asked that deaf citizens be excluded as they wanted to emphasize the residual abilities of the deaf rather than their disabilities. This emphasizes to me that this population strongly wishes to strive toward integration with the hearing majority rather than being looked at as a distinct and separate population.

In every state, the deaf people should organize, whether it be under the auspices of the National Association of the Deaf, some other national organization, or a group that simple evolves within the state. As an organized body, then, they can comprise a lobby that will represent the consensus of the deaf population in their local area. In addition, they can relate to other state organizations for the deaf to deliberate on problems unique to the deaf and common efforts they wish to pursue at both the State and Federal levels. Through this kind of coordination and consistency, they can provide both the means of tapping information resources on proposed and pending legislation, as well as to make proposals to state and federal legislators on legislation unique to their needs from their vantage point as consumers.

There are some existing resources from which any rehabilitation oriented group or individual may obtain information to keep current on what is happening in the legislative process. For example:

1. The National Rehabilitation Association. This organization, with its main office in Washington, D.C., makes regular notices to its membership regarding the status of legislation affecting citizens in the various disability categories throughout the country.

2. The State Vocational Rehabilitation Division. Each of the 50 state rehabilitation agencies has either a program coordinator for services to the deaf, an individual responsible for staying current on legislation affecting the handicapped, or both. By having a state deaf association representative establish contact and gain membership in the state agency's Advisory Board, a better, more coordinated relationship can be gained between the state deaf association and the agency. The state agency is deeply involved in the state's legislative process.

3. Department of Health, Education and Welfare, Washington, D.C.
A very important contact within the Department is Dr. Boyce Williams, Chief of Communications

Disorders for Health, Education and Welfare. Dr. Williams can supply legislative information and can also react to concerns and suggestions from deaf individuals and groups. He also serves as liaison between these groups and divisions within H.E.W.; most importantly, of course, with the Rehabilitation Services Administration (RSA).

4. State and Local Legislators. It is always, of course, the individual's right to contact his own state and federal legislative representatives for support on any matters of concern to him that might be resolved through the legislative process. In many cases, advocate groups have banded together to write to their respective representatives for support on issues of common interest to all their membership. This kind of a mass effort gains considerable attention from law makers as well as administrators of state agencies.

5. The National Association of the Deaf. Local level individuals and groups can work through this organization to obtain information on what is happening at the national level, in addition to using it as a vehicle for presenting proposals, problems, etc., on needs pertaining to the deaf to decision makers and others who should know about them. This organization continuously serves as an advocate for the deaf at the national level and welcomes any information provided from deaf citizens throughout the country.

It is commonly agreed among key people involved in promoting better opportunities for the deaf that more social action is required by the deaf people themselves. An important aspect of this social action is involvement in the legislative process and a communication system that allows the deaf to get their message to appropriate levels and vice versa. To do this, the important point I would like to make

is that the deaf need to become involved and need to tap whatever resources can be most effective for them, including making themselves visible with sign language interpreters in the legislative halls; lobbying activities; maintaining individual contact with legislators; developing positions on issues within organizations for the deaf; maintaining communication links with national organizations having influence, power and information that can benefit the deaf, and, finally, organizing members of a state's deaf population to foster causes that will break down barriers to their full participation in society at large.

In my opinion, therefore, it is advantageous for deaf people, when they are considering organizing, to become affilliated with an organization like the National Association of the Deaf. In any event, organized efforts, including letter writing campaigns mentioned earlier, as well as lobbying with state and federal legislators can be best accomplished within the framework of a well organized group.

The main idea is to get the message of the majority of the deaf people across to those who can do something about resolving the problem in a firm but tactful manner. Any organization that can afford it would do well to hire a consultant who is influential enough to have contacts in the legislature and who is knowledgeable about the law making process to assist the organization in carrying out its efforts to bring about action on its behalf through this complex system.

In any case, analyze common problems and their significance; and develop goals to resolve the problems and a course of action. Make your message clear to those who have the knowledge and influence to help you -- Federal and State legislators; state officials, including the Governor and a Vocational Rehabilitation agency representative; and national and local organization heads. The result of this type of organized social action is the satisfaction that you have taken steps to help yourselves through the expertise of those who can really get the job done. Results don't always come as quickly as we like, and it may take years to accomplish some goals, but with perseverance and an organized effort, the deaf can make great strides in the future.

# HR-1 - THE SOCIAL SECURITY AMENDMENTS

Henry A. Warner, Jr.

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SRS Region IV

We live in a rapidly changing world, with many complexities in organization of business and government. The activities of our everyday lives require more of us to adequately meet life's challenges, whether it is completing one's income tax or learning how to use public transportation in a large urban area. Years past in a largely rural society, life's needs and one's daily life activities were in large measure resolved in small communities where people knew one another and family relationships were more solid. One's family and friends were security then. These ties are no longer a firm foundation in a society that is essentially urban, transient, and where the aged and disabled may find themselves lonely and isolated.

Our challenge is one of making society more sensitive to individual needs of its citizens allowing each individual the opportunity to achieve to his highest potential. A responsible society also cares and protects those who are unable to provide for themselves.

In responding to continuing problems in our society's desire to meet these individual needs, Congress passed HR-1, the Social Security Amendments of 1972 (PL 92-603).

On October 30, 1972, the Bill was signed into law. President Nixon stated that this law is:

> Landmark legislation that will end many old inequities and will provide a new uniform system of well-earned

benefits for older Americans, the blind and the disabled. This bill contains many improvements and expansions of the Social Security, Medicare and Medicaid programs which this administration recommended and is proud to bring into reality today.

I will not try to explain the complexities in administration of the law nor its many provisions, but I will summarize the highlights of this law's provisions and suggest some ways to cope with these changes for the improvement of services and aid to disabled people, and in particular some specific actions deaf persons may wish to consider.

Basic to the amendments are the overall goals of "self-support" and "self-sufficiency." Self-support is defined as achieving and maintaining a feasible level of employment and economic self-sufficiency. Self-sufficiency is defined as achieving and maintaining personal independence, self-determination and security, including, for children, the achievement of potential for eventual independent living. These goals are reinforced throughout the law.

There are five areas of this legislation which have major impact on the poor, aged and disabled: (1) Social Services to Families and Children (2) Social Services to Aged, Blind and Disabled (3) Cash Payment to Recipients (4) Medical Services to Recipients (5) Vocational Rehabilitation Programs.

I. Social Services

HR-1, Social Security Amendments of 1972, and the revisions of Federal regulations implementing the law call for consolidating the regulations governing service programs to families and children, the adult programs, and the purchase of services. The Community Services Administration of the Social and Rehabilitation Service reimburses states for costs of their social service programs. The regulations also align the provisions of social services with the "Revenue Sharing Act of 1972".

A. Revenue Sharing Act of 1972

Title III Limitation on Grants for Social Services Under Public Assistance Programs- this amendment to the Social Security act placed a ceiling of $2.5 billion (Federal share) on expenditures for Social Services for the fiscal year which began on 7/1/72 and ended on 6/30/73. Each state received a portion or allocation of these funds based on population.

B. Services to Families and Children (Under Title IV-A)
(Estimated 3,095,000 Families on Welfare Rolls)

Proposed regulations will require fewer services which states must provide to recipients of Aid to Families with Dependent Children. However, there will be a larger number of "optional" services a State may provide.

Required Services:

"Family Planning Services--social, educational and medical services to enable eligible individuals to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock."

"Foster Care Services--placement of a child in a foster family home, or appropriate group care facility, when a court has decided that continued care in his own home would be contrary to his well-being."

"Protective Services--responding when there is reason to believe that a child is being neglected, abused, or exploited by his parents, and helping them to be better parents; if that is not possible, the situation is brought to the attention of the courts."

"Optional" Services

Day Care Services
Educational Services
Employment Services
Health Related Services
Homemaker Services
Home Management and Other Functional Educational Services
Housing Improvement Services
Transportation Services

C. Social Services to the Aged, Blind, or Disabled (Titles I, X, XIV, OR XVI)

There are no services required from states that choose to participate in service programs for those in this recipient group. However, in order to receive 75% Federal matching funds, states must provide at least one of the following optional services on a State-wide Basis:

Chore Services (household tasks)
Day Care Services for Adults (providing personal care during the day in a protective setting)
Family Planning Services
Educational Services (assistance in securing from other resources)
Employment Services (assistance in securing from other resources)
Foster Care Services for Adults
Health Related
Home Delivered or Congregate Meals
Home Management
Homemaker Service
Housing Improvement Services
Protective Services for Adults
Special Services for the Blind
Transportation Services

Eligibility for Services

For eligibility as a potential recipient of assistance, under the regulation, the social service agency must determine that there is a

specific problem which will lead to the person's or family's dependence on welfare within 6 months if a service is not provided. Currently, this time is 5 years.

For those in the adult categories, the 6 month time limit means that, in order to qualify as a potential recipient, an individual must be at least 64 1/2 years of age; or be likely to meet the State's definition of blindness within 6 months; or be 17 1/2 years old with a condition that is likely to result in permanent and total disability in 6 months.

From an income standpoint, families and individuals qualify as potential recipients if their income does not exceed 150% of the payment for each State's cash assistance standard.

Adults may also qualify for services as potential recipients if they are currently eligible for Medicaid. Under the proposed regulations, an individual or family going off the cash assistance rolls can receive--as former recipients--social services for up to 3 months. Currently, the time period is 2 years. Any individual or family may, at a later date, become eligible again for social services or assistance or both.

In addition, once eligibility has been determined and the family or individual begins to receive services, such eligibility must be rechecked quarterly, as compared with annually under the current regulations.

Implications for Deaf Persons

1. Statistical reports indicate there are over 3 million families on Federal/State welfare assistance. Using the National Census for the Deaf study this would imply that there are at least 6,000 deaf heads of households receiving aid to families and children.

2. State and County welfare agencies providing social services and even specialized services to the blind and visually impaired generally are not oriented and aware of the needs that deaf persons and their families may have for assistance.

   (a) The National Office of the NAD, State Chapters and others interested should contact state welfare agencies to help them in determining how they can assist deaf persons and families on public assistance. One way this could be done is to invite the administrator or director to a meeting to explain the state's program of social services and assistance to families. Another is to write and ask for an appointment so a representative of the deaf organization may meet with the director of services in the state or county in the director's office.

   Be prepared with a positive plan for action explaining what needs to be done, such as, the provision of interpreters for applicants or recipients when determining their eligibility and/or need for services provided by the agency.

Some Questions needing Answers:

1. On what basis are interpreter services to be provided?
2. What are the interpreter qualifications to provide assistance: RID certification; a family member; or a friend?
3. Who will pay for interpreter service?

   (b) Deaf persons and organizations should enlist the help of professional organizations such as, PRWAD, ASHA, NAHSA, et cetera, to assist them in making their needs known.

## II. Supplemental Security Income Program

The Supplemental Security Income program established by HR-1 will cause the phase-out of the present Federal-State program of aid to the aged, blind, and permanently and totally disabled (except in Puerto Rico, the Virgin Islands, and Guam). The current provisions are repealed. As of January 1, 1974, the Social Security Administration will administer the Supplemental Security Income program which is designed to provide financial assistance to needy people who have reached the age of 65 or are blind or disabled.

### Basic Benefits of the Program

Individuals or couples may be eligible for assistance if their monthly income is less than $130, if single, or $195 for a couple. Persons in institutions such as hospitals or nursing homes receiving Medicaid funds on their behalf may be eligible for benefits up to $25 instead of regular benefits.

A disabled individual is an "individual who is unable to engage in substantial gainful activity by reason of a medically determinable physical or mental impairment that is expected to last or has lasted for 12 months or can be expected to result in death... A child under the age 18 who is not engaging in substantial gainful activity will be considered disabled if he suffers from any medically determinable physical or mental impairment of comparable severity."

An individual who is medically determined to be an alcoholic or drug addict will not be entitled to benefits unless he participates in an available approved treatment program.

### Rehabilitation Services

Those individuals (blind or disabled) determined to have potential for gainful employment will be referred to State vocational rehabilitation agencies. A beneficiary may not refuse vocational

rehabilitation services, without good cause, or he will not be eligible for SSI benefits. The State welfare agency may supplement the Federal benefits without affecting the Federal benefits of the SSI program.

SSI Beneficiaries will not be eligible for food stamps and surplus commodity programs.

At the State's option, it may arrange for the Social Security Administration to make medical eligibility determinations.

In summary the Supplemental Security Income program will establish a nationwide uniform base of cash payments to eligible beneficiaries who are over 65 or blind or disabled. Decisions concerning eligibility for Medicaid and State supplemental payments may be made by the State. SSI beneficiaries are not eligible for food stamps or surplus commodity programs. The SSI program will be administered through local Social Security Administration offices, which will later review applications and make decisions of eligibility and payment amount.

Implications for Deaf Persons

The disability of deafness continues to be a barrier that prevents many deaf persons from receiving the benefits from society afforded others.

The most likely beneficiary of the Supplemental Security Income program will be the most handicapped deaf individuals. Those persons with minimal language and/or vocational skills, little or no speech, and the inability to adequately understand rights and responsibilities without the provision of an interpreter.

National organizations interested in deaf persons should voice to Social Security Administration their concern for deaf persons being placed into a position of having to overcome limitations of their disability to determine their eligibility for benefits of such public programs.

A number of the following actions might be considered.

The National Association for the Deaf proposes to join with Social Security Administration to assist in developing guidelines that will be effective in providing deaf persons reasonable access to information about SSA programs and how they may apply for benefits. This might include:

1. Provision of interpreters
2. Training of field representatives or other appropriate SSA staff orienting them in problems of deaf persons (including some basic communication skills).
3. Establish a liaison with Social Security Administration, Office of Public Affairs.
4. Development of audio-visual materials captioned for the deaf to inform them of Social Security Administration Programs.

III. Medicaid - Title XIX of the Social Security Act

Medicaid is an assistance program that is administered by State government to provide medical service to public assistance recipients and at the option of the states to the medically needy.

Federal, state and county governments may share the costs of Medicaid with the Federal Government paying the major share.

Medicare is different from Medicaid. Medicare is a health insurance plan administered by Social Security Administration covering eligible persons who have Social Security and certain other types of retirement coverage. Under a state plan of services, the state medical assistance program means payment of part or all of the cost for care and services, for eligible recipients. Each state having such a program must provide:

1. In-patient hospital services(except TB and mental illness).
2. Out-patient services.

3. Laboratory and x-ray service.
4. Skilled nursing home services and early and periodic screening, diagnosis and treatment of children under 7.
5. Physician services.

Each state may provide a number of optional services to add to the comprehensiveness of their health program.

The impact of HR-1, PL 92-603, and the regulations governing the amendments of Title XIX medicaid program is not clear at this time; however, a number of changes clearly do have impact on the consumer.

The Act:

(a) Mandates Family Planning Services for at least the categorically needy.
(b) Provides that the Federal share of AFDC would be reduced by 1 percent if the State (1) fails to inform all AFDC families of available health screening services to eligible children, (2) fails to actually provide or arrange for such services where requested, or (3) failed to arrange for or refer to appropriate corrective treatment children disclosed by such screening as suffering from an illness or impairment.
(c) Professional Standards Review - Establish independent Professional Standards Review Organizations formed by organizations representing substantial numbers of practicing physicians in local areas to assume responsibility for comprehensive and ongoing review of services for Medicare and Medicaid programs. (Initiated after January, 1974)

Implications for Deaf Persons

Interested organizations concerned with health and welfare of deaf people should initiate actions to assure that the disability of communication does not prevent deaf people from receiving services that would be provided others in like situations.

Actions:

1. Consider reporting to a State/National register all those children identified through periodic screening as being deaf. Provide guidelines for their treatment and/or care including parental counseling, family planning, et cetera.

2. Request assurance from State governing agencies that deaf persons are receiving just consideration for services with adequate recognition of the disability of deafness.

3. Assist national and state medical associations in being cognizant of special needs of deaf people. This would be particularly important for deaf persons placed in institutional settings such as nursing homes, hospitals, or institutions for the retarded.

IV. Vocational Rehabilitation, Vocational Rehabilitation Act, as amended.

This joint Federal/State program provides assistance to disabled persons whose disability interferes with the ability to maintain or secure gainful employment. Services provided to disabled persons must be on the basis that the end goal of gainful employment is a reasonable expectation.

The Federal and state governments share the costs of the Vocational Rehabilitation program with approximately 80 percent of the costs being borne by the Federal government.
Section 1615 of PL 92-603 requires mandatory referral of blind and disabled persons receiving benefits from the Supplemental Security Income program to State Vocational Rehabilitation agencies for determining their potential for vocational rehabilitation services.

State Vocational Rehabilitation agencies will be receiving a special appropriation to serve those referred from the SSI program, who can be expected to return to employment through rehabilitation services.

## Considerations for Deaf People

In most states the vocational rehabilitation program has been the primary resource for assisting deaf persons. This role is likely to be continued and should be further developed by organizations interested in deaf people and deaf persons, themselves, assisting in guiding and working with administrators of these State agencies in awareness of the needs of deaf people.

The State Agency Exchange issued a document in May of 1972 that surveyed rehabilitation resources available to blind and visually impaired and deaf and hard of hearing persons. The survey requested state vocational rehabilitation agencies to identify unmet service needs for these disabled populations and provide recommendations as to what actions should be considered.

This document might be used to provide some insight as to how State Vocational Rehabilitation agencies view the needs of deaf persons. It provides a basis for national and/or local organizations interested in improving rehabilitation services to initiate discussions with administrators on how state agencies may further develop VR services in each state.

Copies of the document can be secured by writing to: State Agency Exchange, Interagency Project, 1522 K St., N.W., Washington, D.C. 20005.

## Summary Statement of Implication

State/Federal programs of social, rehabilitation and health services are in a stage of transition. Major changes will continue during the coming years. In reviewing the programs outlined in the preceding discussion it is easy to see that a deaf person who is unemployed and the head of a family is in for severe difficulties in trying to negotiate the system to determine various public services. Separate determinations would be required for the stated example above for the following:

1. Aid to Families with Dependent Children
2. Supplemental Security Income
3. Title XIX Medicaid (possibility decided by SSI or AFDC dependent upon State government decision)
4. Vocational Rehabilitation
5. Unemployment Insurance

After eligibility has been determined for the various services the question still arises concerning the understanding and availability of services to deaf persons because of the severe communication barriers.

It should be emphasized that those deaf persons most likely to be eligible for services would be those with the most severe handicap: Minimal language achievement; little or no oral speech; poor or no vocational skills; and low educational achievement. This may also be compounded by social isolation.

The conclusion one might reach in the above situation is that many deaf persons will need an "ombudsman" in order to navigate the various intricacies of this system of services successfully; act as an intermediary for the deaf individual and the agency(s) involved in providing assistance.

The ombudsman role should be one that is recognized at all levels of government (Federal, state, county and local). Such persons should be knowledgeable enough to be aware of what agency can best assist the deaf person in solving his or her needs and with the ability and skills to alleviate the communication barrier.

Concepts such as this may be wishful thinking, but cannot happen unless people are willing to work to make them a reality.

# HR-1: WELFARE PROVISIONS

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## A FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM

The passage of Public Law 92-603, popularly known as HR-1, marked a milestone in the progress of American social insurance legislation. The bill contained a package of provisions dealing with Old Age, Survivors, and Disability Insurance (Social Security), Medicare and Medicaid, but its principal and most widely-debated feature was a sweeping federal assumption of public assistance or relief payments to the aged, blind and disabled poor, everywhere within the United States. Effective January 1, 1974, the existing Titles I, X and XIV of the Social Security Act, which provided for the categorical, state-administered public assistance programs with partial federal funding for the aged, the blind and the disabled, are repealed. On that same date, the Federal Department of Health, Education and Welfare will begin administration of "a national program to provide supplemental security income" to "Every aged, blind or disabled individual who is determined to be eligible on the basis of his income and resources" (42 USC 1381 et seq., as amended). For the first time in the history of the nation, the Federal Government will go into the business of operating a non-emergency relief program, under which eligibility for benefits will be determined exclusively on the basis of the financial need of the applicants. By the terms of this legislation, the Federal Government will pay to all aged, blind or disabled persons who qualify in terms of a means test a stipend of $140 per month for an individual, or $210 per month for an eligible couple, less the amount of any non-excluded income the recipient may have. (Actually,

PL-92-603 provided for Supplemental Security Income payments of $130 per month for an individual, and $195 for a couple. The Social Security bill signed by President Nixon in July contained amendments raising the payment level to $140 and $210 per month, respectively, effective July 1, 1974. Payments to eligible individuals will be made in the originally-specified amounts, for the first six months of 1974.) To qualify as "aged," an applicant must be over 65; blindness is technically defined in terms of visual acuity and width of the visual field; a disabled individual for the purposes of this Act, must be barred by his physical or mental condition from engaging in any "kind of substantial gainful work which exists in the national economy." The disability must have lasted or be expected to last at least 12 months. In the case of a child under 18 who would not ordinarily be expected to be in the labor force, disability will be considered to be "any medically determinable physical or mental impairment of comparable severity." A "grandfather clause" extends eligibility to blind or disabled recipients determined eligible under the existing state plans in December, 1973. A further condition for receipt of Supplemental Security Income (SSI) payments by blind and disabled persons under 65 is their acceptance, except in those cases excused by the Federal Government, of vocational rehabilitation services offered by the agency of the state in which they reside. The Federal Government will pay for these required rehabilitation services. Persons claiming disability on the basis of alcoholism or drug addiction are obliged as a condition of receipt of assistance to comply with the terms of a treatment program approved by the Federal Government.

You will note that the law itself does not mention deafness as a particular kind of disability, nor does it isolate loss of sound perception as a separate condition of eligibility, as it favors loss of visual perception. With the federal regulations applicable to this part of HR-1 still unavailable at the time of preparation of this report, we are somewhat in the dark concerning the interpretation to be given to the disability provisions of the legislation. A look at the law itself, however, suggests that deafness alone would not ordinarily qualify an applicant in terms of disability, since the requirement is not merely that the individual

be "unable to do his previous work," but also that, "considering his age, education and work experience," he be unfit to perform any other meaningful work "which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work." (Italics supplied)

In contrast with the rather stringent definition of disability written into the new law, which is patterned on the disability requirement for Social Disability benefits under Title II of the Act, the provisions for exclusion of certain income and resources of eligible recipients mitigate the harsh aspects of a means test of indigency, and are considerably more liberal than the corresponding sections governing income and resources recipients may currently retain to qualify for the federally assisted categorical welfare programs.

Subject to limitations to be set by the Secretary of Health, Education and Welfare, the earned income of any recipient under 22 years of age attending a school, college, university, vocational or technical school designed to prepare him for employment is totally exempt from consideration as income. The difficulty, of course, is that relatively few children or youths will qualify for SSI payments as blind or disabled, attend school, and still be able to engage in gainful employment. But the law does exclude from consideration the first $20 per month of income from any source of all SSI recipients, the value of any fellowship or scholarship to be used for tuition or fees at an educational institution, and additional amounts needed to realize the recipients' plans for self-support, when approved by HEW. The provisions for such plans are most liberal with respect to blind persons, who may be permitted to deduct from earned income $65 per month beyond the initial $20 exclusion, one-half the remainder, employment expenses, and "such additional amounts of other income... as may be necessary for the fulfillment of such plan." Non-blind persons who are otherwise disabled may take advantage of all the above provisions except the expense deduction; persons in the over 65 category

but not blind or otherwise handicapped are entitled to keep the first $65 per month of earned income plus one-half the remainder, but without an additional expense allowance, or provision for discounting "additional amounts of other income."

Other categories of income excluded from consideration in determining eligibility are refunds on taxes paid on real property or on food, the value of home-grown produce used by the individual and his spouse for home consumption, and one-third of the support payments for a disabled child made by a parent absent from the child's home. In the case of a recipient (and his eligible spouse, if any) who lives in another person's household and receives his support and maintenance in kind (room, board, laundry and personal services) from this person, the amount of SSI payments to the recipient will be reduced by one-third below the amount for which he or they would otherwise be eligible. This flat reduction will be made in lieu of evaluating and discounting the "in kind" support. Small amounts of irregularly-received unearned income, up to a total of $60 per quarter, are discounted for all SSI recipients. Most importantly, payments made by a state or locality under any supplemental income support program based on need will not be considered to diminish need for federal SSI benefits. Public Law 93-86, enacted by Congress and signed by the President last month, modifies the original prohibition on receipt of United States Department of Agriculture Food Stamps by SSI beneficiaries. In effect, it permits recipients of Federal Supplemental Security Income payments to remain eligible for food stamps - and vice versa - provided that the amount of any additional state supplementation of otherwise eligible food stamp recipients does not include an amount calculated to include the bonus value of food stamps. Food stamp eligibility or ineligibility is a function of family size and income, and thus determined on the basis of need.

The issue of SSI recipients' food stamp eligibility status is complicated by Congress' original determination to bar SSI beneficiaries from receipt of food stamps, but to permit the states to supplement their SSI recipients in an amount equal to the bonus value of

food stamps, at no additional cost to the states, by means of the hold-harmless provision, to be discussed further on. State legislation intended to implement PL 92-603, such as the measure enacted in New York earlier this year (N.Y. Soc. Serv. L., Sec. 131-a (8), as amended, 1973), included in the supplementary state payment the value of a food stamp bonus, for which SSI recipients could have been eligible under previously existing programs. The question still unanswered at this time is whether, if the states attempt to implement their original SSI legislation, USDA will now declare the SSI recipients benefiting from the food stamp bonus adjustment ineligible for food stamp benefits, by the terms of the revisions in PL 93-86.

HR-1 provides that the parent of a blind or disabled minor child recipient, or the spouse of a recipient, or a person living with the recipient who holds himself out to be his or her spouse, shall be liable for that recipient's support, and his or her income will be presumed available to the SSI recipient, where the recipient and the legally responsible relative are living together. This section makes no material departure from current New York law.

The provisions limiting the resources recipients of the new Supplemental Security benefits will be permitted to retain are also more liberal than those pertaining to currently existing welfare programs. The states may no longer require that an applicant be totally indigent, or divest himself of all his worldly goods, to become eligible for payments. An otherwise eligible individual will pass the resource qualification if his resources, primarily considered in terms of liquid or financial assets, have a net value not in excess of $1,500. A couple, whether receiving Supplemental Security payments for one or both of the spouses, is permitted to retain resources amounting to $2,250. Insurance is considered only at its cash surrender value and discounted entirely if the face value does not exceed $1,500. A home, household goods, personal effects and an automobile are specifically excluded from consideration, up to values for these items considered reasonable by the Secretary of Health, Education and Welfare. Similarly exempted are property

deemed "essential to the means of self-support of such individual," or necessary for the fulfillment of a blind or disabled person's approved plan for self-support.

STANDARD OF ASSISTANCE

It will be readily apparent that Federal Supplemental Security Income payments of $1,680 per annum for an individual, or $2,520 annually for two people, will not be sufficient to keep the wolf from the recipients' door. By way of contrast, under the most recently revised guidelines released by the Office of Economic Opportunity, a single non-farm individual living in the contiguous United States is deemed poor if his income is less than $2,200 annually; a couple is considered to be living in poverty if the spouses' combined income is under $2,900 per annum (45 CFR 1060 as amended, effective July 9, 1973). It is true that most states' payments under the present categorical assistance programs do not raise recipients' income above the poverty level, but it is also true that Federal SSI payments have been pegged at a level even lower than the public assistance standards currently in effect in several states, including New York.

Two sections of the Federal Act, as amended by the 1973 Social Security bill, provide a figurative carrot and a stick, impelling the states to establish supplementary benefit programs to bring SSI recipients at least up to their own previous payment standards. The carrot was the "hold-harmless" provision of the original bill, Pl 92-603, which was intended to allow the states to utilize the monies "saved" by virtue of a larger federal contribution in order to supplement eligible recipients up to the January, 1972, assistance level and still not exceed their 1972 calendar year expenditure. The mechanics of this provision will be considered in greater detail below. The stick came in the 1973 Amendments, in the form of a threatened withdrawal of federal funding for the Medicaid program. Congress has now mandated that any state wishing to receive federal funding for its Title XIX Medicaid program after December of this year, file with the

Secretary of Health, Education and Welfare an agreement to make supplementary payments to all recipients of SSI benefits who were receiving public assistance under that state's categorical programs in December of 1973, in the amounts necessary to bring the recipients' incomes up to the states' December, 1973, standard. This latter mentioned provision is in effect a "grandfather clause," which Congress has sought fit to make applicable only to those SSI beneficiaries who were already receiving state public assistance. A state may comply with this rather anomalous requirement by supplementing those SSI recipients who previously received categorical assistance in amounts necessary to maintain the prior standard of assistance, while electing to ignore the needs of a similarly situated group of SSI recipients, who differ from the first group only in that they did not choose to apply for assistance under the state-administered programs. It should be noted that the "grandfather clause" is likely to provoke some lively legal debate, and possible litigation, in months to come.

## STATE OPTIONS

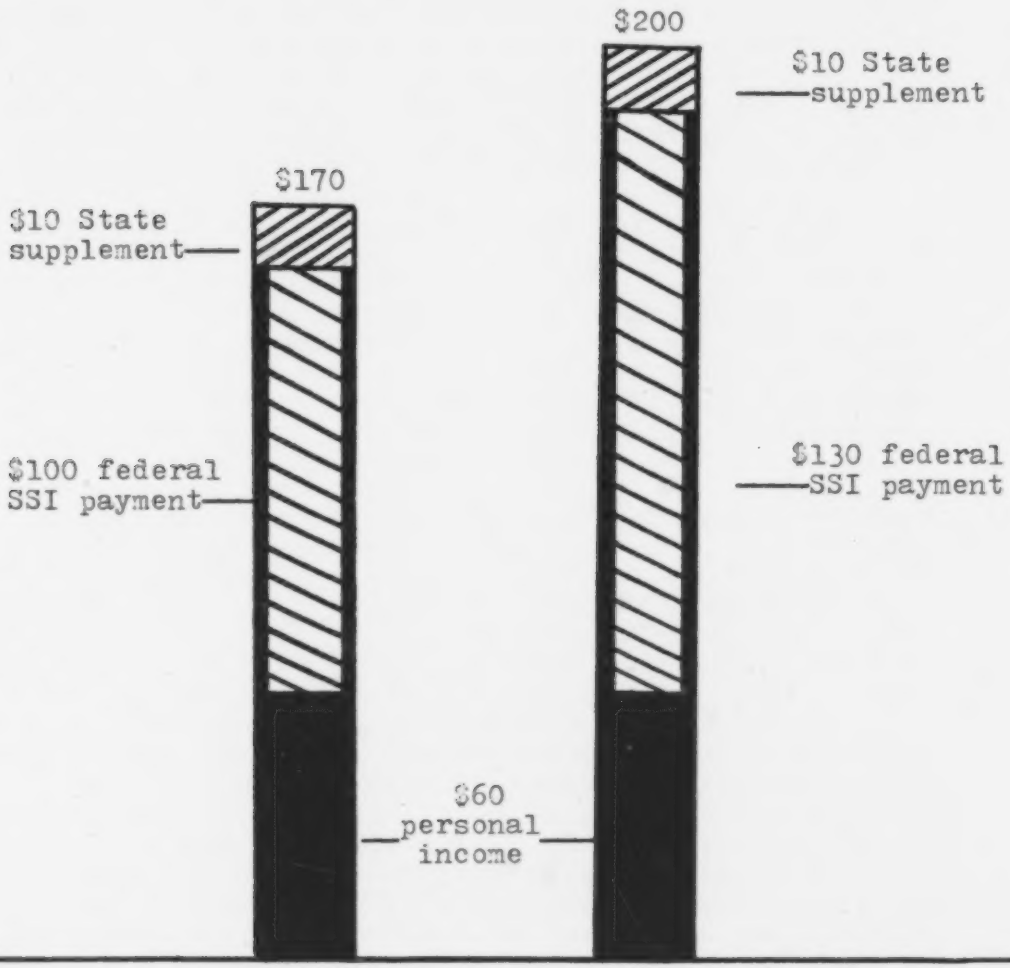
While HR-1 may be faulted for failing to meet its announced objective of setting up a comprehensive and uniform "Supplemental Security Income Program" for all aged, blind, and disabled Americans, it does take some tentative steps in this direction. One of the most important of these measures, beyond the establishment of a nationwide benefit program, is a provision which permits the states to make their supplementary payments to the Federal Government, and have the federal agency administer the payments. The states are, therefore, encouraged to dismantle their costly apparatus for administering public assistance to recipients in the aged, blind and disabled categories, while still preserving their own standards of assistance. Under the new Title XVI, states may contract with the Department of Health, Education and Welfare to make additional payments to all eligible recipients within a political subdivision of a state if because of cost-of-living differences, the state elects to supplement its aged, blind and disabled in that subdivision at a standard higher than the surrounding areas of the state.

Current proposed federal regulations permit the states to vary the amount of their supplementation in at least two geographic areas, or three such areas where "adequate justification, e.g., substantial differences in living costs, can be demonstrated" (Proposed 20 CFR 416.2003 (b), at 38 FR 21189 (Aug. 6, 1973). These regulations also permit variations in the supplementary state payment level with respect to the categorical eligibility of the recipient (aged, blind, or otherwise disabled), and to correspond to differences in the recipients' living arrangements.

Another option the new law explicitly reserves to the states is the right to disregard greater amounts or other types of income in addition to that required to be disregarded in determining eligibility for the federal SSI payment. It will be seen upon consideration that a high state disregard, or provision for discounting a significantly greater amount of income than the federal standard, attached to a relatively low additional state supplementation, will take maximum advantage of the initial federal payments, at minimum cost to the state. A high income disregard will permit applicants with an income above the Federal SSI eligibility level to qualify for assistance, thus enlarging the pool of recipients. But a relatively modest additional state supplementation will effectively limit the amount of expenditures out of the state fisc. When a high income disregard figure is attached to a very modest state supplementation, the overall pool of SSI recipients is increased at minimum cost to the state, effectively drawing on the first $140 per recipient per month, which the Federal Government is paying, anyway. In states where a large number of persons in the target population have at least some income beyond the amount of the federal disregard, but less than the standard of unsupplemented Federal SSI payments, the above-mentioned formula will have a multiplier effect for the state as a whole, considerably increasing the disposable income of poor people for a relatively small state expenditure. Figure 1 illustrates how, given a recipient with some income ($60 per month) in a state paying a small monthly supplement ($10), changing the state disregard figure from $0 to $30 can influence the ratio of federal expenditures to total federal-state Supplemental Security Income payments under this Act.

Figure 1

TOTAL RECIPIENT INCOME




PERSONAL INCOME= $60
STATE SUPPLEMENT= $10
NO STATE DISREGARD

PERSONAL INCOME= $60
STATE SUPPLEMENT= $10
STATE DISREGARD= $30

NOTE: Graphs compare two single, aged recipients, who do not qualify for additional federal income disregards, in states with or without a state income disregard provision.

Apparently this was a loophole providing additional incentives to working persons that Congress did not intend to reserve to the states, since HEW's proposed regulations do not indemnify the states for "any State supplementary payment which results from the application of additional income exclusions specified by the state in its agreement with the Secretary" (20 CFR 416.2010 (g), in proposed amendment, at 38 FR 21191 (Aug. 6, 1973). However, the state option to discount additional income is preserved. This arithmetic does not apply to New York State in any case, as we have chosen to supplement all eligible recipients' income considerably above the floor level of federal SSI payments.

The section governing state supplementary payments to recipients of Supplemental Security Income specifically provides that the states may impose, as a condition of eligibility for the supplementary payment, "a residence requirement which excludes individuals who have resided in the State (or political subdivision) for less than a maximum period prior to application for such payments." However, the constitutionality of any such requirement is in serious doubt, given the Supreme Court's landmark decision in Shapiro v. Thompson (394 U.S. 618) in 1969, which invalidated residency requirements in the categorical assistance programs. The Court there held that a state residency requirement, as a condition of assistance, violated the Fourteenth Amendment's guarantee of "equal protection of the laws", and unreasonably burdened the right to travel within the United States. It would be hard to understand that even the fact of a Congressional endorsement should change the constitutional status of any such device. Yet, the supplementary benefits legislation enacted in New York this past spring specifies that "A person who has not resided within the state for a continuous period of at least one year prior to the date of his application shall not be eligible to receive such additional payments."

Another section of HR-1 designed to ease the burden on public welfare agencies permits the states to elect to have the Department of Health, Education and Welfare determine eligibility under their Title XIX Medicaid plans for the medically-indigent aged, blind and disabled. The advantage to the states of this option is

that they pay only one-half of any additional costs to the Federal Government beyond the cost of eligibility determination, which involves the same process as the determination of eligibility for SSI benefits.

The federal statutory requirements for services to aged, blind and disabled persons are not radically changed by HR-1. The Federal Government will continue to fund approved state plans for provision of rehabilitative and self-support services to financially eligible, SSI recipients. The Act also requires the states to centralize, by Fiscal Year 1975, all aspects of their Title XVI program in the agency responsible for supervising or administering state categorical assistance programs in order to remain eligible for any state grants under the Social Security Act. No change will be required in New York, where the State Department of Social Services performs these functions. The states are no longer required to separate the administration of income maintenance and social service operations.

## VERIFICATION OF ELIGIBILITY

Eligibility for services under the new Title VI of the Social Security Act will be primarily conditioned by the Federal Government's finding of an individual's eligibility for receipt of SSI benefits. In this connection, it should be noted that the federal policy towards the determination of welfare eligibility has, largely as a result of political considerations, done a complete turnabout within the last five years. Only recently, an across-the-board guaranteed minimum income for all Americans was under discussion in Congress, and HEW ordered the states to implement a "declaration" or "affidavit" system, whereby local public assistance agencies administering the federally-reimbursed programs for the aged, blind and disabled would be obliged to accept without investigation whatever plausible information relating to his financial eligibility an applicant in these categories produced. In sharp contrast, Congress has now written into HR-1 as a matter of law the policy that HEW "shall require that eligibility for benefits under this title will not be determined solely on the basis of declarations by the applicant...and that relevant information

will be verified from independent or collateral sources and information obtained as necessary..." The statute further provides for financial penalties in the form of reduced benefits to be applied by HEW to applicants or recipients who withhold information with intent to defraud the Government, and criminal prosecution of any outright misrepresentation of fact. Just how the Federal Government intends to obtain the required verification of eligibility still has not been completely resolved. However, Congress has provided HEW with a powerful investigative tool by mandating that "The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility..." of SSI applicants or recipients. It is already apparent that HEW will cross-check, by computer, the eligibility information given by applicants against financial information previously provided the Social Security Administration during the applicant's career. But at this date it is not known whether, and to what extent, an individual's government employment record will be checked with the Civil Service Commission, his military record with the Department of Defense, or his tax records with the Internal Revenue Service.

We do know the Federal Government plans to require applicants for SSI benefits to sign a comprehensive authorization permitting HEW to verify any information relative to the applicant's eligibility. In earlier years this so-called "blanket waiver," written into the application forms used in state categorical assistance programs, was sharply criticized by the social work profession as a violation of the recipients' right to confidentiality, and challenged legally as placing an unconstitutional condition on the receipt of assistance. Perhaps what disturbs critics of the Federal Government's broad investigative power under this Act is the fear that using modern technology, a national administration could abuse its present broad authority, just as local welfare departments did in the less sophisticated days of the midnight raid.

Certainly, those persons who maintain a distrust of computer administration of social programs will not be reassured by the HEW blueprint for implementing the SSI provisions of HR-1. In its attempt to reduce

ineligibility for benefits to a minimal level, HEW is now linking together a national computer base on millions of potential applicants, a scheme one high Department official has described as "government by number." In addition to Social Security information, HEW officials expect to have available for verification of eligibility records from the Railroad Retirement System, the Civil Service Retirement System, and the Veterans' Administration. Some of this information is already available to state welfare officials. But since we can only conjecture how this information is to be used, and what additional information the Supplemental Security Income Bureau will request from other federal agencies, civil libertarians hoping for a non-political administration of the SSI program, and the greatest possible respect for constitutional rights, have already expressed their concern.

An aggrieved individual, or a claimant disputing HEW's determination of his eligibility for SSI benefits, will continue to have a right to a hearing before the Agency prior to discontinuance of benefits, if he files his request for a hearing within 30 days after receiving notice of the contested HEW action. The law also guarantees that lay advocates as well as attorneys will be permitted to represent claimants at these hearings. In recent years, lay advocates, frequently themselves welfare recipients, have done a great deal of the day-to-day representation of aggrieved public assistance recipients, at hearings and informal conferences with local welfare officials. However, judicial review of an issue of fact is specifically foreclosed by the SSI legislation, a limitation which will make it much more difficult for dissatisfied claimants to obtain standing for independent review of most contested cases.

## HOLDING THE STATES HARMLESS

Federalization of payments to the needy in the DAB categories may remove the stigma associated with receipt of Supplemental Security Income benefits. This possibility combined with liberalized income and resource qualifications under the new law led Congressional planners to anticipate a rapid growth in the pool of

recipients after January 1, 1974, beyond the number receiving payments under current categorical programs. Under these circumstances, states seeking to supplement the basic federal payment at a significantly higher support level would face a major financial threat following the federal takeover. Congress, therefore, included in the provisions for state supplementation the previously referred to "hold-harmless clause," designed to limit the states' financial liability under the Supplemental Security Income Program to the amount of state payments to individuals under the categorical programs, in January, 1972. The states were led to anticipate that the cost of continued supplementation up to the January, 1972, payment level would not exceed the sum of their payments under the categorical programs for the aged, disabled and blind, at that time. Actually, what this clause says is that the Federal Government will hold the states harmless, or indemnify the states, for any increase beyond the January, 1972, figure, in the dollar cost of maintaining a standard of assistance up to the January, 1972, adjusted payment level.

In the several months that have elapsed since final passage of HR-1, there has been considerable tugging and pulling between the Federal Department of Health, Education and Welfare and the various state governments to interpret this "hold-harmless" provision in the manner most favorable for each particular interest group or administrative agency. An early interpretation of this section by HEW, the agency primarily and initially responsible for carrying out the mandate of Congress, limited the amount of supplemental payment per individual for which the state would be held harmless to the average figure necessary to bring recipients up to the state's January, 1972, standard of assistance. While this figure seems fair at first blush, it would be difficult to over-emphasize the inequity worked on both recipients and states like New York, where we administer a variable grant based on actual rent paid. It is something like the story of the man who drowned trying to ford a stream whose average depth was only two feet. An interpretation of the "hold-harmless" formula which would credit the states only for payments up to the amount of an average expenditure per recipient two years ago would fall far short

of holding the states truly harmless for increased costs under the SSI program. In response to vigorous protests from a number of states which currently administer a flexible grant system, Secretary Weinberger recently indicated HEW's willingness to liberalize to some degree its original interpretation of the "hold-harmless" provision. HEW now proposes to hold harmless federally administered state supplementary payments to the extent that supplementary payments above the January, 1972, average payment do not exceed the amount supplementary payments fall below that average figure. The value of Secretary Weinberger's recent modification of the earlier HEW stance is further seriously impaired by the fact that at the present time, the Federal Government is not prepared to administer a completely variable supplement, based on actual or as needed rent payment levels, which may reflect geographic diversity or differing living arrangements. While we do not expect the Federal Government to agree to administer a completely variable supplement, the more accurately the supplement paid does represent the actual budget deficit or need of the recipient, the greater the proportion of recipients protected to the 1972 adjusted payment level, and the more completely the states will be protected against increased costs under the new Title XVI.

At the time of preparation of this paper, Federal-State negotiations concerning the "hold-harmless" clause had largely centered around a definition and interpretation of the 1972 adjusted payment level. HR-1 defines the adjusted payment level as "the amount of the money payment which an individual with no other income would have received under the plan of such State.." for Assistance to the Aged, Blind or Disabled in January, 1972. The law permits the states, at their option, to augment this figure by a "payment level modification," where applicable, and as we noted above, by adding in the "bonus value of food stamps in a State for January, 1972." The payment level modification is the amount a state's actual money payments in January, 1972, could have been increased to bring recipients up to 100% of the state's standard of need. In New York State, the modifier is not in issue, since we have maintained payments at 100% of the need level in the affected aged, blind and disabled categories.

What is not readily apparent in the statutory definition of adjusted payment level is the concept of this figure too, as an average, calculated by including the special needs payments, such as replacement items following a disaster, or moving expenses, which the states made in January, 1972. Just as inclusion of additional special needs payments will swell the average figure representing the 1972 adjusted payment level, and permit the states to supplement the Federal SSI payments at a higher level at no further cost to themselves, so exclusion from this average of the small personal needs payments made to persons in nursing homes, whose major expenses are paid by other insurance or assistance programs, will work to the states' advantage.

## HR-1 AS A POLITICAL COMPROMISE

In attempting to capture the spirit of this act, which later generations will probably look back upon as a milestone in the history of American social legislation, we become aware of two very diverse legislative currents which joined to produce this end product. Certainly, the dominant theme of the Supplemental Security Income Program is a noble desire to relieve older and disabled Americans of the burdens of indigency, to protect these persons from the indignities of applying for state or locally administered poor relief, to provide these "worthy poor" a guaranteed income without requiring that they divest themselves of every evidence of comfort or former financial success. On the other hand, it must be noted that an income of $1,680 per year is not a living income in the United States today, that the procedures suggested by the statute for verification of eligibility do not insure protection of the recipient's anonymity and dignity, and that the states are permitted to impose residency requirements as a condition precedent to payment of the state supplementation. Undoubtedly the most telling illustration of this reactionary countertrend was the provision that never appeared in the final bill, the hotly-debated Family Assistance Plan, which would have established a guaranteed minimum income for all Americans. The absence of this uniform guaranteed minimum income provision from the final version of the Act bears witness to the political considerations which

shaped HR-1. Poverty is a burden on the young and the physically able, just as it is on the elderly and the disabled, but at the last session of Congress, it was only politically feasible to establish the guaranteed minimum income for older and disabled persons. Finally, it must be said that legislation as sweeping as the welfare provisions of this Act cannot be finally evaluated until it has been implemented. This means that no definitive statement about the social effects of HR-1 will be made for years to come. But the very fact that the future shape of the Supplemental Security Income programs remains in doubt suggests there is still an opportunity for concerned and informed social planners to mold the contours of this program to better provide for generations to come.

# DEAF PEOPLE AND LEGISLATION: SUGGESTIONS FOR ACTION

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The Seminar papers and discussions resulted in some suggestions for deaf people who want to influence legislation. These suggestions are presented in a checklist below. Following the checklist, each suggestion is explained more completely.

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## A CHECKLIST FOR LEGISLATIVE ACTION

1. Register to vote.
2. Get organized.
3. Find out what current laws say.
4. Keep in touch with local, state and federal legislators.
5. Present your views at hearings.
6. Follow-up with letters and telegrams before the vote--and after.
7. Watch how the law is interpreted and implemented. Offer your help.

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## REGISTER TO VOTE

If you are not a registered voter, legislators may not bother to read your letters. You cannot help him or hurt him if you can't vote! One idea for voter registration is to invite someone from the Board of Elections (Voting Office) to come

to your club. Your members could register right there at the club. The League of Women Voters is another excellent resource.

GET ORGANIZED

Numbers count. The more people you speak for, the more legislators will pay attention to you.

One of the best ways to get organized is to set up a "council" of representatives from groups interested in deafness: your state association of the deaf, your state chapter of Registry of Interpreters for the Deaf, parent associations, speech and hearing groups, vocational rehabilitation, state association of teachers of the deaf, et cetera. You might call your council the "legislative council of the deaf."

Groups of and for blind, crippled, mentally retarded and ethnic minority group persons have much to offer deaf people--both from long experience with the political process and as supporters of efforts to improve the lives of deaf people. Local Lions Clubs, Rotary International, Kiwanis and other such groups may prove helpful.

FIND OUT WHAT CURRENT LAWS SAY

You might be surprised what the law says about deaf people. When you read the laws (or have a lawyer read them with you), you will know what you have to do to make them better. Your representatives in the legislature (Senators, Congressmen, Assemblymen) will mail copies of laws to you.

KEEP IN TOUCH WITH LOCAL, STATE AND FEDERAL ADMINISTRATORS

Ask them for copies of bills affecting deaf people. Seek their assistance in understanding and working with the political process. Put them on your mailing list to be sure they are kept informed of your interests. Above all, keep in contact. Your legislators cannot represent you if they do not know what you want.

PRESENT YOUR VIEWS AT HEARINGS

The purpose of a hearing is to obtain feedback from people who would be affected by a bill. The legislators want to know if this bill is satisfactory to you. If not, what changes would you suggest? Attend the hearing with an interpreter and be ready to present your opinions.

FOLLOW-UP WITH LETTERS AND TELEGRAMS

Shortly after the hearing, the committee will probably report the bill to the floor for a vote. If you support the bill (or if you oppose it), this is the time to contact legislators urging them to vote for (or against) the bill. If the bill passes one house in the legislature, it will be voted on in the other house, so be sure your letters and telegrams go to the appropriate legislators before the vote.

Your legislators will know when the bill is scheduled for a vote. Keep in touch with them. If both houses pass the bill, it goes to the chief executive (President, Governor) for signature. Again, letters and telegrams are needed.

After the vote, it is often helpful to thank legislators who supported you--and to request explanations from those who did not.

Sometimes, deaf people have objected to writing letters to a legislator because they are not confident of their English. Perhaps surprisingly, most legislators don't care about your English. Some of the most effective letters have been written in very poor English on brown paper bags! The legislator is really interested in two things--what you want and whether you are registered to vote in his district.

WATCH HOW THE LAW IS INTERPRETED AND IMPLEMENTED. OFFER YOUR HELP.

Does the appropriations bill contain enough money to make the program work? If not, inform your legislators and request additional funds. Help publicize the new law among deaf people. Remember that the purpose of laws is to serve people--if a law doesn't help you, you have every right to try to change it.

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